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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 E. JEAN CARROLL,

4 Plaintiff,

5 v.

20 CV 7311 (LAK)
Trial

6 DONALD J. TRUMP, in his
7 personal capacity,

8 Defendant.

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9 New York, N.Y.
10 January 18, 2024
9:40 a.m.

11 Before:

12 HON. LEWIS A. KAPLAN,

13 District Judge
14 -and a Jury-

14 APPEARANCES

15 KAPLAN HECKER & FINK LLP
Attorneys for Plaintiff
16 BY: ROBERTA ANN KAPLAN
SHAWN G. CROWLEY
17 MATTHEW J. CRAIG

18 HABBA MADAIO & ASSOCIATES LLP
Attorneys for Defendant
19 BY: ALINA HABBA
MICHAEL T. MADAIO
20 PETER SWIFT
21 PETER GABRA

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Carroll - Cross

1 (Trial continued; jury not present)

2 THE COURT: Good morning everyone. Where is our
3 witness?

4 E. JEAN CARROLL, resumed.

5 THE COURT: Ms. Carroll, you are still under oath.
6 Ms. Habba, you may continue.

7 MS. HABBA: The jury?

8 THE COURT: Pardon?

9 MS. HABBA: The jury.

10 THE COURT: Oh. Been a long evening. The jury.
11 Thank you for that.

12 Hard to lose nine people.

13 (Jury present)

14 THE COURT: Good morning, everyone. Ms. Habba, you
15 may continue.

16 MS. HABBA: Thank you.

17 CROSS-EXAMINATION CONTINUED

18 BY MS. HABBA:

19 MS. HABBA: Good morning, your Honor.

20 THE COURT: Good morning.

21 MS. HABBA: Good morning, ladies and gentlemen of the
22 jury.

23 Q. Good morning, Ms. Carroll.

24 A. Good morning, Ms. Habba.

25 Q. Ms. Carroll, since you left yesterday from the stand, have

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Carroll - Cross

1 you spoken with your counsel regarding the subject matter of
2 your testimony?

3 A. No.

4 Q. And since you left the stand yesterday, have you reviewed
5 any documents in anticipation of today's testimony?

6 A. No.

7 Q. Ms. Carroll, yesterday we discussed the five-hour gap
8 between the release of your excerpt in *The Cut* containing your
9 allegations against president Trump?

10 THE COURT: Counsel, you're assuming a five-hour gap.
11 Now, I understand why you think there's evidence that may
12 support that, and maybe it turns out that it will be that way,
13 but in fact, I would think you would be better advised to talk
14 about the gap, if there was a gap. There is no evidence that
15 the email transmitting a copy of Mr. Trump's statement on
16 June 21 which does bear a stamp indicating that the email sent
17 at 5:17 was sent at the moment that the statement was issued.
18 I believe that's the case, and if I'm mistaken, the jury will
19 recall and have the evidence available.

20 MS. HABBA: I'm happy to provide that, your Honor, and
21 show --

22 THE COURT: That's fine when it's your turn to provide
23 evidence, that's fine. But in the meantime, let's stick to
24 what we have evidence of.

25 MS. HABBA: Okay. So perhaps --

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Carroll - Cross

1 MR. MADAIIO: Your Honor, can we have a sidebar about
2 this issue? I believe it's a fairly important issue.

3 THE COURT: It may be an important issue, but there's
4 nothing to be decided at this moment.

5 MR. MADAIIO: I think there is something we'd like to
6 address with the Court regarding this issue.

7 THE COURT: Well, all right. I'll give you the
8 benefit of the doubt, but ...

9 (Continued on next page)

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Carroll - Cross

1 (At the sidebar)

2 MR. MADAIIO: Your Honor, I think there may be some
3 confusion. The 5:17 -- it was a tweet, not an email, so it was
4 publicly posted. So it wasn't private; it was public for the
5 5:17.

6 THE COURT: It was a tweet?

7 MR. MADAIIO: It was a tweet, a Laura Litvan tweet.

8 MS. HABBA: She put it out.

9 THE COURT: Who's she?

10 MS. HABBA: She's a news reporter who received the
11 statement to put out.

12 THE COURT: So that means that she posted it?

13 MS. HABBA: Yes. He did not, actually.

14 THE COURT: At 5:17. But when did it come into her
15 hands?

16 MR. MADAIIO: Well, it was put in the public's view at
17 5:17. She posted on her Twitter releasing the statement at
18 5:17.

19 THE COURT: How do we know the statement wasn't made
20 public earlier than that?

21 MR. MADAIIO: That's never been alleged, and there's no
22 evidence --

23 MS. HABBA: We're happy to call her if that's an
24 issue.

25 THE COURT: Maybe you can work this out, but I'm only

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Carroll - Cross

1 dealing with the record I have in front of me right now. And
2 you may know facts that I certainly don't that lead you in the
3 best of good faith to say it was 5:15 but there's no evidence
4 of that right now.

5 MR. MADAIIO: Your Honor, even the complaint alleges
6 and essentially states the June 121 statement is the tweet, the
7 5:17 tweet, that that's the time it was publicly released.

8 THE COURT: It certainly contains it. Does it say it
9 was publicly released at 5:17?

10 MR. MADAIIO: Yes, unless there's any other --

11 MS. HABBA: We can look --

12 THE COURT: Does it say that?

13 MS. CROWLEY: It doesn't have the time, the complaint.

14 MS. HABBA: Yes, it does. You put it in.

15 MS. CROWLEY: In the complaint? The time?

16 MS. HABBA: Yes.

17 THE COURT: This is a simple matter to resolve. Get
18 the complaint.

19 MS. HABBA: Sure.

20 MR. MADAIIO: Okay.

21 MS. HABBA: And if there's an issue, I would just
22 reserve the right to Ms. Litvan, and we can resolve it.

23 MS. CROWLEY: I think there's testimony --

24 THE COURT: Stop this. You're wasting a lost time.
25 You're telling me it's in the complaint. I want to see the

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Carroll - Cross

1 complaint.

2 And who are you?

3 MR. KATZ: I'm an attorney working with them.

4 THE COURT: And does this attorney have a name?

5 MR. KATZ: Adam Katz.

6 MS. HABBA: Katz.

7 THE COURT: Have you appeared in this case?

8 MR. KATZ: I haven't, your Honor.

9 THE COURT: Sit behind the bar and stay there.

10 MR. KATZ: Okay.

11 THE COURT: Get the complaint.

12 MS. HABBA: Okay.

13 THE COURT: Well, paragraph 84 of the complaint said
14 it was posted by Ms. Litvan of *Bloomberg News* at 2:17.

15 Indeed--

16 MS. HABBA: Is that the time --

17 MR. MADAIIO: But that's a link to the tweet which
18 shows a time of 5:17. I think that's a typo in there.

19 THE COURT: So it's a matter for evidence.

20 MS. HABBA: Okay.

21 THE COURT: And however it turns out is fine, but
22 we're not just going to keep saying that it was 5:17 before
23 it's established.

24 MR. MADAIIO: Understood, your Honor. Could we have a
25 clarification to the jury that this was a tweet, not a private

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Carroll - Cross

1 email that was sent? I think there may be some confusion it
2 was sent to Ms. Carroll as a private email.

3 THE COURT: There are ways to clarify things in court
4 before juries.

5 MR. MADAIIO: Understood, your Honor.

6 (Continued on next page)

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Carroll - Cross

1 (In open court)

2 THE COURT: Members of the jury, I referred in what I
3 said before to an email sent at 5:17. It may not be an email.
4 It may be a tweet. You will have it before you. Let's
5 proceed.

6 BY MS. HABBA:

7 Q. Ms. Carroll, do you recall where you saw the president's
8 statement that you are -- that is an issue -- the first
9 statement at issue on June 21, 2019?

10 A. Yes.

11 Q. Where did you see it?

12 A. I saw it in the excerpt that was published online. That
13 was the White House statement.

14 Q. So let's go back to that. The White House statement did
15 not say president Trump's statement, correct?

16 A. No, they said from the White House.

17 Q. And my question to you was: The statement that you sued
18 him for, for defamation, is not that statement, correct?

19 A. That is correct.

20 Q. So let me be clear. When I refer to president Trump's
21 statement which you are suing him for, so the jury
22 understands--

23 A. Mmm-hmm.

24 Q. -- we're not talking about *The Cut* article that you
25 released, right?

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Carroll - Cross

1 MS. KAPLAN: Objection.

2 THE COURT: It's complete confusion.

3 MS. HABBA: It is confusion. I'd like to clarify it.

4 THE COURT: Let's try to do a little clearer job.

5 MS. HABBA: Well --

6 Q. Ms. Carroll, president Trump's statement is different than
7 the White House statement, correct?

8 A. Yes.

9 Q. You never sued the White House, did you?

10 A. No.

11 Q. You never sued the United States Government, did you?

12 MS. KAPLAN: Objection, your Honor.

13 MS. HABBA: On what basis?

14 THE COURT: Look, we have been all over this. And it
15 is clear as a bell.

16 There was quoted, I understand, and correct me if I'm
17 wrong, Ms. Carroll, in the article posted on *The Cut*, a
18 statement to the effect that president Trump denied the
19 allegation, or words to that effect, yes?

20 THE WITNESS: Yes.

21 THE COURT: And you're not suing over that statement?

22 THE WITNESS: No.

23 THE COURT: That statement was on what date?

24 THE WITNESS: It was published on June 21, 2019.

25 THE COURT: And it was published in *New York* magazine,

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Carroll - Cross

1 yes?

2 THE WITNESS: Yes.

3 THE COURT: All right. Then a statement issued out of
4 the White House after *The Cut* article appeared, yes?

5 THE WITNESS: Yes.

6 THE COURT: That's the June 21 statement you're suing
7 about, right?

8 THE WITNESS: Yes.

9 THE COURT: And then there was another statement
10 you're suing about that was published on June 22, yes?

11 THE WITNESS: Correct.

12 THE COURT: All right. It's clear as a bell. Now
13 let's go on.

14 BY MS. HABBA:

15 Q. Ms. Carroll, did you review *The Cut* article before it was
16 published?

17 A. Yes.

18 Q. The final version of *The Cut* article?

19 A. Yes.

20 Q. And in that article, did it contain the statement that you
21 are discussing from the White House?

22 A. The White House -- the statement that was issued from the
23 White House appeared in *The Cut*. This is a statement -- the
24 lawsuit is over the statement from president Donald Trump.

25 Q. Yes, I know. The Judge just made that very clear.

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Carroll - Cross

1 My question is, before *The Cut* article that you were
2 paid \$7,000 to do --

3 MS. KAPLAN: Objection, your Honor.

4 THE COURT: Argumentative.

5 MS. KAPLAN: Also not consistent with the testimony.

6 MS. HABBA: Okay.

7 THE COURT: Yes, also true. Sustained.

8 BY MS. HABBA:

9 Q. Ms. Carroll, did you get paid \$7,000 for *The Cut* article?

10 A. No, it went to my publisher.

11 Q. Okay.

12 THE COURT: And you covered all of that yesterday.

13 MS. HABBA: Right.

14 Q. Did you review that article with the White House denial in
15 it before it went public?

16 A. Yes.

17 Q. Thank you.

18 Yesterday we discussed a gap between the release of
19 your excerpt from *The Cut* which you approved and the
20 president's response. There is a gap of time, correct?

21 A. Yes.

22 Q. Okay. And before president Trump's response, do you recall
23 receiving any negative tweets prior to that statement, PX-1?

24 I'm happy to put it up for you if you need?

25 A. I wasn't on Twitter during that afternoon.

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Carroll - Cross

1 Q. When you went on Twitter later that evening, I believe that
2 was your testimony, correct?

3 A. Around 11:30 at night.

4 Q. Did you notice what time the statements were issued to you
5 that you found to be negative tweets?

6 MS. KAPLAN: Objection, your Honor.

7 THE COURT: Sustained as to form.

8 Q. When you went home and looked at the tweets in the evening,
9 correct?

10 A. At the hotel, yes.

11 Q. Did you look at time that the tweets were sent to you?

12 A. No. There were so many, I -- I did not focus on the time.
13 There were so many.

14 Q. Nate, can you please pull up what has been premarked DX-65
15 for the witness.

16 Ms. Carroll, do you recognize this document in front
17 of you?

18 A. It's a tweet, yes.

19 Q. In that document, do you recognize the Twitter handle that
20 is tagged E. Jean Carroll?

21 A. Yes.

22 Q. Does that appear to be your Twitter handle?

23 A. Yes.

24 Q. Does that tweet tag your Twitter account?

25 A. Yes.

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Carroll - Cross

1 MS. HABBA: Your Honor, I would like to offer DX-65
2 into evidence.

3 MS. KAPLAN: No objection, your Honor.

4 THE COURT: Received.

5 (Defendant's Exhibit 65 received in evidence)

6 Q. Ms. Carroll, this tweet states, "Nothing like making up
7 fake news to try to ruin the president's win in 2020." Is that
8 correct?

9 A. Yes.

10 Q. Ms. Carroll, this tweet was issued at 2:21 p.m. Is that
11 correct?

12 A. Yes.

13 Q. And that was before the 5:17 tweet by Ms. Litvan. Is that
14 correct?

15 A. Yes.

16 Q. Nate, can you please pull up what has been premarked DX-66
17 for the witness.

18 Ms. Carroll, what is this?

19 A. This is a tweet.

20 Q. In that document, do you recognize the Twitter handle
21 E. Jean Carroll?

22 A. Yes.

23 Q. And does that appear to be your Twitter handle?

24 A. Yes. It is my Twitter handle.

25 Q. Does this tweet tag your Twitter account?

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Carroll - Cross

1 A. Yes.

2 MS. HABBA: Your Honor, I would like to move in DX-66
3 into evidence.

4 THE COURT: Is there any objection?

5 MS. KAPLAN: No objection, your Honor.

6 THE COURT: It's received.

7 (Defendant's Exhibit 66 received in evidence)

8 Q. Ms. Carroll, does this tweet say, "I've got some advice for
9 you. Drop this lie because it's a bad look on you. @POTUS,"
10 and you can see a link to Huffpost.

11 A. Yes.

12 Q. Is that at 2:34 p.m. on June 21?

13 A. Yes.

14 Q. Nate, can you please pull up DX-67 for the witness?

15 THE COURT: This is already in evidence, isn't it, as
16 a different exhibit?

17 MS. HABBA: No, your Honor. The response is different
18 here.

19 THE COURT: Go ahead.

20 MS. HABBA: It's a reply, so it appears that way.

21 THE COURT: I don't need the explanation. You tell me
22 it's different, it's different.

23 Q. Ms. Carroll, what is this?

24 A. This is a tweet. This is one of my posts, a tweet, and
25 that I posted on June 20.

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Carroll - Cross

1 Q. And in that document, that is your Twitter handle again,

2 E. Jean Carroll?

3 A. Yes.

4 Q. And this is a response to your tweet. Is that correct?

5 A. Yes.

6 Q. Does this tweet respond directly to something you posted?

7 A. Yes.

8 MS. HABBA: Your Honor, I'd like to put in DX-67 into
9 evidence, please.

10 MS. KAPLAN: No objection.

11 THE COURT: Received.

12 (Defendant's Exhibit 67 received in evidence)

13 Q. This person Power to the Polish! calls you a dirty liar.
14 Is that correct?

15 A. Yes.

16 THE COURT: I think he was trying to say Power to the
17 Polish.

18 MS. HABBA: Power to the Pole -- did I misstate that?
19 What did I say? Power to the Polish.

20 Q. Was this sent at 2:51, Ms. Carroll?

21 A. Yes.

22 Q. On June 21?

23 A. Yes.

24 Q. That was before president Trump's tweet was issued by Laura
25 Litvan at 5:17?

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Carroll - Cross

1 A. Yes.

2 Q. Thank you.

3 Nate, can you pull up what was marked DX-68 for the
4 witness.

5 Do you recognize this document in front of you?

6 A. It's a tweet.

7 Q. Do you recognize that that is also your Twitter handle

8 E. Jean Carroll?

9 A. Yes.

10 Q. Does the comment -- excuse me --

11 THE COURT: What is it, Ms. Kaplan?

12 MS. KAPLAN: Has it been offered?

13 MS. HABBA: That's what I was about to do.

14 MS. KAPLAN: We object to this one.

15 Q. Does this tweet tag your Twitter account?

16 A. Yes.

17 MS. HABBA: Your Honor, I would like to admit DX-68
18 into evidence, please.

19 THE COURT: Defendant's 68 is received.

20 MS. HABBA: Thank you.

21 MS. KAPLAN: We object, your Honor.

22 THE COURT: You object. What's the objection?

23 MS. KAPLAN: The objection is it's inconsistent with
24 your Honor's prior rulings.

25 THE COURT: Why not -- I'm sorry. Ms. Habba?

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Carroll - Cross

1 MS. HABBA: Yes. Your Honor, this goes to show that
2 prior to the president's comments being put on Twitter, people
3 were saying these things to her. They are not directly related
4 to his statements. It strictly goes to his statements, and
5 she's testified that it's because of his statements that people
6 were saying things about rape.

7 THE COURT: It is stricken, and it's inconsistent with
8 the ruling that the Court made before trial. And, in addition,
9 it's cumulative and, therefore, of no additional value.

10 Q. Nate, can you please pull up DX-69 for the witness.

11 Ms. Carroll, what is this?

12 A. This is a tweet.

13 Q. In that document, do you recognize your Twitter handle
14 @E. Jean Carroll?

15 A. Yes.

16 Q. Does that appear to be your actual Twitter handle?

17 A. Yes.

18 Q. Does this tweet tag your Twitter account?

19 A. Yes.

20 MS. HABBA: Your Honor, I would like to move DX-69
21 into evidence.

22 MS. KAPLAN: No objection, your Honor.

23 THE COURT: Received.

24 (Defendant's Exhibit 69 received in evidence)

25 Q. Ms. Carroll, the tweet states, "Attacked 1990 by the POTUS.

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Carroll - Cross

1 What a fool you are Missy Carol. Your book must need pumping.
2 You are a disgrace." Do you see that?

3 A. Yes.

4 Q. Was this sent at 3:22 on June 21, 2019?

5 A. Yes.

6 Q. Was this sent before Laura Litvan are posted the
7 president's statement at 5:17?

8 A. Yes.

9 Q. Nate, can you please pull up what has been plea marked
10 DX-70.

11 Ms. Carroll, what is this?

12 A. This is a reply to one of my tweets.

13 Q. In that document, do you recognize your Twitter handle that
14 is tagged -- excuse me -- that is replied to?

15 A. I recognize my Twitter handle. I don't know the Skip.

16 Q. The Twitter handle E. Jean Carroll, that's your Twitter
17 handle, correct?

18 A. Yes, that's my post.

19 Q. That's your post, and there's a reply directly to your
20 post, correct?

21 A. Yes.

22 MS. HABBA: Your Honor, I would like to offer into
23 evidence DX-69, please -- 70, excuse me.

24 MS. KAPLAN: Your Honor, we have no objection to this
25 specific document other than to note that this is starting to

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Carroll - Cross

1 get cumulative. We'll stipulate there were nasty tweets sent
2 to Ms. Carroll before 5:17 p.m. on June 21, 2019.

3 THE COURT: This one is received, since there is no
4 objection.

5 MS. HABBA: Thank you, your Honor.

6 (Defendant's Exhibit 70 received in evidence)

7 Q. Ms. Carroll, you posted, "The most dangerous woman is a
8 woman who has nothing to lose. The most dangerous man is the
9 man who has everything to lose" on February 16, 2016, correct?

10 A. Yes.

11 Q. And someone responded to you after -- on June 21, 2019 at
12 3:47, correct?

13 A. Yes.

14 Q. And they stated, "No. The most dangerous woman is a lying
15 sack of shit making false accusations right after a
16 presidential run announcement. You should just go ahead and
17 admit you are lying now to save yourself the embarrassment when
18 it's proven you are just another pathetic liar." That's what
19 that says, correct?

20 A. Yes.

21 Q. And that was before the president's statement was posted by
22 Laura Litvan at 5:17, correct?

23 A. Yes.

24 Q. And this individual looked at your comments from 2016 to
25 reply, correct?

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Carroll - Cross

1 A. Yes.

2 Q. And they would not have known about you if you were not --
3 they would not have been able to speak to you if you were not
4 on Twitter at that time, correct?

5 THE COURT: I'm sorry, I don't understand the
6 question.

7 MS. HABBA: Let me rephrase the question. I'll
8 withdraw that.

9 Q. They dug into your Twitter and looked back at messages you
10 posted from 2016, correct?

11 A. Apparently.

12 MS. KAPLAN: Objection, your Honor.

13 THE COURT: What's the objection?

14 MS. KAPLAN: I'm not sure anyone knows exactly what
15 this person did.

16 THE COURT: Sustained. The answer is stricken.

17 Q. In 2019, @rodeoclaw911 replied to a statement from your --
18 from February 16, 2016 on your Twitter account, correct?

19 A. Yes.

20 Q. Nate, can you please pull up what has been marked DX-71 for
21 the witness.

22 Ms. Carroll, what is this?

23 A. This is a tweet.

24 Q. In this document, do you recognize your Twitter handle?

25 A. Yes, I do.

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Carroll - Cross

1 Q. And does it appear that this person is replying to a
2 comment you made?

3 A. Yes.

4 MS. HABBA: Your Honor, I'd like to offer DX-71 into
5 evidence.

6 MS. KAPLAN: Objection, your Honor.

7 THE COURT: Objection or no objection?

8 MS. KAPLAN: Objection. Cumulative.

9 THE COURT: Do you have many more of these?

10 MS. HABBA: I have a few more, your Honor, but I would
11 also state -- first, yes, I do.

12 THE COURT: Define few.

13 MS. HABBA: Six.

14 THE COURT: You can offer them in evidence. If
15 there's no objection, they will all be received, and we've
16 taken enough time on this because it is cumulative.

17 MS. HABBA: Your Honor, if I may be heard?

18 THE COURT: No. That was the ruling, and that's where
19 we're going.

20 Q. Ms. Carroll --

21 MS. HABBA: Did I admit this into evidence yet? No.
22 Okay.

23 Q. -- do you recognize -- I believe I asked you these
24 questions, but do you recognize this document?

25 A. Yes.

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Carroll - Cross

1 THE COURT: Ms. Kaplan, is there any objection to this
2 document?

3 MS. KAPLAN: Same objections, your Honor.

4 THE COURT: This is received, but let's go on.

5 MS. HABBA: Thank you.

6 (Defendant's Exhibit 71 received in evidence)

7 THE COURT: What are the other exhibits you want to
8 offer of the same nature?

9 MS. HABBA: I'd like to ask her questions about this
10 exhibit.

11 THE COURT: Go ahead.

12 Q. Does this exhibit show that someone responded to that same
13 2016 tweet that you posted, "You're a joke. No one would
14 willingly touch your ugly ass"?

15 A. Yes.

16 Q. And that was at June 21, 2019 at 3:48 p.m., correct?

17 A. Yes.

18 Q. Before the 5:17 tweet by Laura Litvan with the president's
19 statement, correct?

20 A. Yes.

21 THE COURT: Everybody knows the times now, counsel.
22 Are there any other exhibits like this? Tell us what they are,
23 and we'll see if there are objections.

24 MS. HABBA: You'd like me to show you each and every
25 one?

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Carroll - Cross

1 THE COURT: I don't want you to show me any. Give us
2 the numbers, and we'll find out if there's any objection.

3 MS. HABBA: Sure. The next is DX-72.

4 THE COURT: And the next?

5 MS. HABBA: DX-73.

6 THE COURT: The next?

7 MS. HABBA: DX-74.

8 THE COURT: The next?

9 MS. HABBA: 75.

10 THE COURT: Yes.

11 MS. HABBA: Through 78, your Honor, 76, 77, 78. And
12 that is it on this.

13 MS. KAPLAN: Your Honor, could we perhaps have copies
14 so we could see if we have any objections, and we'll deal with
15 it on a break. I can't read fast enough as they're going
16 through the screen.

17 THE COURT: We'll withhold the ruling on that until
18 later. Remember to come back to it, Ms. Habba, if no one else
19 does.

20 MS. HABBA: So I can't continue my line of
21 questioning?

22 THE COURT: Right. Because it's simply repetitious.

23 MS. HABBA: Your Honor, all due respect, she put a ton
24 of tweets --

25 THE COURT: All due respect means that when I issue a

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Carroll - Cross

1 ruling, you say next question.

2 MS. HABBA: Sure. I'll just reserve my right to go
3 back to them when she's reviewed them.

4 Q. As you can see here, Ms. Carroll, there are email tweets of
5 users calling you a liar well before the president had an
6 opportunity to respond. Isn't that right?

7 MS. KAPLAN: Objection, your Honor.

8 A. Yes.

9 THE COURT: Sustained. The answer is stricken.

10 MS. HABBA: On what basis is she objecting?

11 THE COURT: This is not my law school examination.

12 MS. HABBA: That's not that. I don't read minds.

13 Q. Ms. Carroll --

14 A. Yes.

15 Q. -- you have statements going back many years on your
16 current Twitter account, correct?

17 A. Yes.

18 Q. And in fact these Twitter posts that we just went through,
19 some of them look remarkably similar to the tweets posted after
20 the president issued his statement. Isn't that correct?

21 MS. KAPLAN: Objection, your Honor.

22 THE COURT: Sustained.

23 Q. Wouldn't you agree that negative tweets are not necessarily
24 tied to president Trump's statements, Ms. Carroll?

25 MS. KAPLAN: Objection, your Honor.

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Carroll - Cross

1 THE COURT: Overruled.

2 A. Some negative tweets are definitely tied to the president's
3 statement.

4 Q. Why do you think that?

5 A. Because they follow Donald Trump. They want to emulate
6 him.

7 Q. Ms. Carroll, I just showed you tweets that are responding
8 to things you said in 2016 before the president issued his
9 statement.

10 MS. KAPLAN: Objection, your Honor.

11 THE COURT: This is in the nature of a jury summation.
12 Get to a question.

13 Q. How do you know that, Ms. Carroll?

14 MS. KAPLAN: Objection, your Honor.

15 THE COURT: How do you know what?

16 Q. What she just said --

17 Ms. Carroll --

18 A. Yes.

19 Q. -- you believe that they emulated president Trump's
20 statement, correct?

21 A. Yes.

22 Q. But these were before president Trump's statement, correct?

23 A. Yes.

24 Q. So how can they emulate president Trump's statement?

25 A. Not that particular statement. I'm saying they're standing

01IQcarl

Carroll - Cross

1 up for the man that they admire.

2 Q. Is that what you think or is that what you know?

3 MS. KAPLAN: Your Honor, I don't know what that means.

4 MS. HABBA: Well, she's stating it as a fact. It's
5 speculation.

6 THE COURT: Ms. Habba, move on.

7 MS. HABBA: Sure.

8 Q. So you saw the denial in *The Cut* article before it was
9 published from the White House?

10 A. Yes.

11 Q. And did you have to authorize the publishing of that
12 article before it was public?

13 A. I agreed that it should go live, yes.

14 Q. You agreed with *The Cut*?

15 A. I agreed with the edit that was running, yes, the final
16 edit.

17 Q. Who did you communicate with for that?

18 A. The editor of the piece, Genevieve Smith.

19 Q. So they sent you the final via email. Is that correct?

20 A. Yes.

21 Q. And did you review that?

22 A. Yes.

23 Q. Did you read it fully?

24 A. Yes.

25 Q. And it included that White House statement, correct?

OliQcarl

Carroll - Cross

1 A. Yes.

2 Q. And then you gave the okay to have them print it, correct?

3 MS. KAPLAN: That's about four questions your Honor.

4 MS. HABBA: I'm walking her through the process. It's
5 a different question.

6 A. Yes.

7 Q. You run a blog on Substack, correct?

8 A. Yes.

9 Q. What is it called?

10 A. Ask E. Jean.

11 Q. You make approximately \$70,000 from that blog on Substack,
12 correct?

13 A. No, I make more than that now.

14 Q. How much more?

15 A. Now I'm making a hundred thousand.

16 Q. And that doesn't include the royalties that we discussed
17 yesterday from your books that you are still receiving,
18 correct?

19 A. That's correct.

20 Q. So you're making over a hundred thousand dollars currently,
21 correct?

22 A. Yes.

23 Q. And I hate to ask you this, Ms. Carroll, but how old are
24 you?

25 A. I'm 80.

OliQcarl

Carroll - Cross

1 Q. And that's more than you were making in 2018 before *The Cut*
2 article came out, correct?

3 A. That -- yes, that is correct.

4 Q. And you started your Substack in 2021. Is that correct?

5 A. April 2021.

6 Q. And it became popular immediately, correct?

7 A. It was -- immediately. No, it's a slog. It's a slog to
8 gather readers and to get some energy and get some followers.
9 It's hard work.

10 Q. But you generate a good amount of income from that,
11 correct?

12 THE COURT: Look, questions like this, what's a good
13 amount of income? Look, it's evidence number one.

14 MS. HABBA: Yeah.

15 THE COURT: Evidence 101.

16 Q. Ms. Carroll, how much do you make?

17 MS. KAPLAN: Objection, your Honor. This has been
18 asked and answered.

19 MS. HABBA: She hasn't answered how much she makes
20 entirely. Yesterday I learned about royalties. Now she's
21 saying more than 70. When I deposed her, it was a different
22 number. I'm trying to get an answer, your Honor.

23 A. Yeah.

24 THE COURT: Ms. Carroll, when there's an objection,
25 you should sit quietly and wait to answer if an answer is

OliQcarl

Carroll - Cross

1 required.

2 THE WITNESS: Thank you, your Honor.

3 THE COURT: Now let me go look at yesterday because we
4 spent a lot of time on this yesterday.

5 Ms. Carroll, what was your gross income in 2023?

6 THE WITNESS: 2022 --

7 THE COURT: '23.

8 THE WITNESS: '23, a little over 70,000, and I've been
9 publishing more often, I've gone --

10 THE COURT: Ms. Carroll, you completed your answer at
11 70,000.

12 THE WITNESS: Thank you.

13 THE COURT: Next question.

14 BY MS. HABBA:

15 Q. Ms. Carroll, are you making more in 2023 -- or 2024?

16 Excuse me.

17 A. Yes.

18 Q. How many subscribers do you have on your Substack?

19 THE COURT: That was definitely answered yesterday.

20 MS. HABBA: Subscriber amount?

21 THE COURT: Yes. 1,800. Let's move on.

22 Q. Do you still have 1,800?

23 A. It's -- yes.

24 Q. And president Trump is often a subject of discussion on
25 your Substack. Isn't that correct?

OliQcarl

Carroll - Cross

1 A. I counted the number of times I wrote posts about president
2 Trump. Seven times in 2021. Five times in 2022. And seven
3 times in 2023.

4 Q. Thank you, Ms. Carroll.

5 A. It's approximately once every month and a half.

6 THE COURT: Ms. Carroll, just answer the question.

7 Q. Do you think your Substack would have been successful had
8 you not become more well-known as a result of the fame you
9 received due to your public affiliation about president Trump?

10 A. Difficult to say.

11 Q. You testified that your Substack was your only source of
12 income. Isn't that correct?

13 A. Yes.

14 Q. So that was not accurate, right?

15 MS. KAPLAN: Objection, your Honor.

16 Q. Your Substack -- do you have social security?

17 A. Yes. Oh, I forgot. Yes.

18 Q. Do you have a pension?

19 A. No.

20 Q. Do you have an IRA?

21 A. No.

22 Q. 401K?

23 A. No. But I do have stocks.

24 Q. Approximately how much do you have in stocks?

25 MS. KAPLAN: Objection, your Honor.

OliQcarl

Carroll - Cross

1 THE COURT: Sustained.

2 Q. Do you consider yourself a financially successful person,
3 Ms. Carroll?

4 MS. KAPLAN: Objection, your Honor.

5 THE COURT: Sustained.

6 Q. Have you always paid your mortgage, Ms. Carroll?

7 A. Yes.

8 Q. You said you're successful and career is going well. Isn't
9 that correct?

10 A. Yes.

11 Q. And prior to *The Cut*, did you ever publish a tweet asking
12 the public would you have sex with Donald Trump for \$17,000,
13 even --

14 MS. KAPLAN: Objection, your Honor.

15 THE COURT: Let's hear the rest of the question.

16 Q. -- even if you could (A) give the money to charity, (B)
17 close your eyes and he's not allowed to speak?

18 MS. KAPLAN: Objection, your Honor. Relevance.
19 Inconsistent with your Honor's rulings in 412.

20 THE COURT: Sustained.

21 MS. HABBA: Can I be heard on that?

22 THE COURT: No.

23 MS. HABBA: Okay.

24 BY MS. HABBA:

25 Q. During your direct examination, you testified that you were

OliQcarl

Carroll - Cross

1 offended that certain tweets were posted concerning your
2 allegations that made you appear to be promiscuous. Do you
3 recall that?

4 MS. KAPLAN: Objection, your Honor.

5 THE COURT: What's the objection?

6 MS. KAPLAN: It's okay, your Honor. I'll waive that.
7 I mean, I'll withdraw it.

8 Q. Do you recall that, Ms. Carroll?

9 A. Could you repeat the question, please?

10 Q. Sure.

11 Yesterday you testified that you were upset because
12 certain tweets that you were receiving made you appear
13 promiscuous. Is that correct?

14 A. Yes.

15 Q. And prior to June 21, 2019, did you ever post any tweets
16 that could be considered sexually explicit?

17 MS. KAPLAN: Same objection, your Honor.

18 THE COURT: Sustained.

19 Q. Nate, can you please pull up what has been marked DX-79.

20 Ms. Carroll, do you recognize what this is?

21 A. Yes.

22 Q. Please describe for me what this is without reading it.

23 A. I do recognize it.

24 Q. Is it a tweet that you posted?

25 A. Yes.

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Carroll - Cross

1 Q. And in that document, do you recognize that your Twitter
2 handle is tagged @E. Jean Carroll?

3 A. Yes.

4 Q. And that's your Twitter handle?

5 A. Yes.

6 MS. HABBA: Your Honor, I would like to move into
7 evidence DX-79.

8 MS. KAPLAN: Objection, your Honor. Same objections.

9 THE COURT: Objection sustained.

10 Q. Nate, can you please pull up DX-80.

11 Ms. Carroll, do you recognize this document?

12 A. Yes.

13 Q. What is this document?

14 A. This is a tweet or a Facebook post, I don't know which.

15 Q. Let me help. Is @E. Jean Carroll a Twitter handle?

16 A. It is.

17 Q. So is this your Twitter account?

18 A. Yes.

19 Q. And that's a statement you made, correct?

20 A. Yes.

21 MS. HABBA: Your Honor, I'd like to offer DX-80 into
22 evidence.

23 MS. KAPLAN: Same objections, your Honor.

24 THE COURT: Sidebar.

25 (At the sidebar)

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Carroll - Cross

1 THE COURT: Okay.

2 MS. KAPLAN: This is all irrelevant. These are
3 statements that were made any before the defamatory statements.
4 The fact that she -- I guess the point that she's trying to
5 make is the fact she talked about sex before 2019 somehow is
6 relevant to the fact that people gave -- said the tweet --
7 excuse me -- the tweet that we showed yesterday that was having
8 her sleep with tons of Roman legionnaires -- I can't even
9 remember the thing. Those posts are things completely
10 irrelevant. It's 412 and it's 403.

11 MR. MADAIIO: Your Honor, there was testimony --

12 THE COURT: Not you. Ms. Habba.

13 MS. HABBA: Sure. Your Honor, there was testimony
14 yesterday that it bothered her that people were saying the
15 words and that she associates them with Donald Trump's words,
16 but she --

17 THE COURT: It bothers her.

18 MS. HABBA: Your Honor, may I --

19 THE COURT: Look.

20 MS. HABBA: I haven't even gotten to say my --

21 THE COURT: What you've said so far, I don't
22 understand. Wouldn't you like to know that?

23 MR. MADAIIO: Your Honor, may I please speak?

24 THE COURT: No.

25 MS. HABBA: I'm going to just need to make a record of

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Carroll - Cross

1 this. Ms. Crowley and Ms. Kaplan have both been allowed to
2 speak sidebar, but for some reason you're not allowing me to
3 have my partner speak with me.

4 THE COURT: I don't think that is accurate.

5 MS. HABBA: It is absolutely accurate. Ms. Crowley
6 spoke --

7 THE COURT: I'm not going to argue with you.

8 MS. HABBA: Okay, but I need to make a record of that.

9 Your Honor, this entire case she has been saying that
10 people are emulating president Trump's statement. He didn't
11 say rape. He didn't say those things. She has said them. And
12 these are responses directly to things prior to him ever saying
13 anything that she said. They're responding to her comments.
14 She has an obligation, and so does Ms. Kaplan, to show that
15 it's directly related to president Trump's statements. That's
16 how defamation works. It has nothing to do with her sex. She
17 in fact testified that she never had sex for last 20 years. It
18 has to do with the fact that she has been putting these
19 statements into the world, and they are there for people to
20 read. When she puts out *The Cut* article, it's clear that some
21 of these Twitter users were responding to things she put into
22 the world, not president Trump's statement. You can't equate
23 everything to president Trump when she herself is using the
24 word rape, saying would you have sex with Donald Trump. Things
25 like that prior to this. I have to be allowed to show that she

01IQcarl

Carroll - Cross

1 can't show causation.

2 MS. KAPLAN: Your Honor, the tweet that -- it's
3 Plaintiff's Exhibit 47. "Rapes by Trump? Present your
4 evidence E. J Carroll, you lying sleep-around known by more
5 penises than Julius Caesar and Pompey had legionnaires."

6 That is directly connected to what Ms. Carroll said in
7 *The Cut* and what Mr. Trump said in response. The stuff that
8 she is trying to get in right now is totally unrelated, has
9 only to do with 412-type materials and doesn't draw any
10 connection whatsoever between the allegation that Ms. Carroll
11 made of rape and what people said.

12 MS. HABBA: But yesterday Ms. Kaplan asked her --

13 THE COURT: What is the date of the exhibit now in
14 question?

15 MS. KAPLAN: It's 2011, I believe.

16 MS. HABBA: 2011.

17 THE COURT: So it's eight years earlier?

18 MS. HABBA: But also, your Honor, she opened the door
19 with promiscuous, and said she was emotionally damaged because
20 people were thinking she was promiscuous.

21 THE COURT: What page of the transcript?

22 MS. HABBA: I have it, your Honor. From yesterday's
23 transcript, page 124, line 20. Would you like me to read it
24 in?

25 THE COURT: No. I have it in front of me. And the

OliQcarl

Carroll - Cross

1 question was: "Now did any of the messages you received,
2 Ms. Carroll, accuse you of being promiscuous?"

3 "A. Yes.

4 MS. HABBA: Yes, and then she goes on to say she has
5 emotional harm.

6 THE COURT: Where does she say that?

7 MS. HABBA: The question was: "How did you feel, how
8 did receiving messages like this make you feel?"

9 THE COURT: What page?

10 MS. HABBA: 125, line 24.

11 THE COURT: And that refers to Plaintiff's Exhibit 47.

12 MS. HABBA: Yes, about the promiscuous.

13 THE COURT: Right. And Ms. Kaplan just read Exhibit
14 47 into the record. That's what you're hanging this on?

15 MS. HABBA: That, and to prove damages, and her entire
16 testimony was trying to show causation from president Trump's
17 statement, I have to be able to prove that this is not the
18 case. She was putting out statements like -- and your Honor
19 won't allow it in, but "rape is sexy" and she received a
20 backlash from that.

21 THE COURT: You know, your client says that all the
22 time.

23 MS. HABBA: "Some people think rape is sexy."

24 THE COURT: Well, there is rather a material
25 difference even though you can't seem to recognize it.

OliQcarl

Carroll - Cross

1 MS. HABBA: But I do recognize, and there are facts
2 that we will show, that she received more backlash after she
3 said that statement, your Honor. That was a big part of it.
4 Her own statements. You can't equate everything to Donald
5 Trump.

6 THE COURT: That is quite possibly true. It doesn't
7 get him off the hook.

8 MS. HABBA: That's extremely prejudicial, your Honor.

9 THE COURT: Prejudicial.

10 MS. HABBA: And biased towards my client.

11 THE COURT: I said it to his lawyer, not to the jury
12 as well you know.

13 MS. HABBA: I understand, but --

14 THE COURT: And if he is contributing to it and
15 damaging her in part, I believe the law is that he's liable.

16 MS. HABBA: Your Honor, this is prior to him saying a
17 statement.

18 THE COURT: Okay. We've had enough of this. I will
19 take one more look at this exhibit.

20 (Continued on next page)

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Carroll - Cross

1 (In open court)

2 THE COURT: The objection to this is sustained. It's
3 remote in time, of dubious relevance, and obvious prejudicial
4 value.

5 BY MS. HABBA:

6 Q. Nate, can you please pull up DX-44.

7 Ms. Carroll, what is this?

8 A. This is a tweet.

9 Q. In that document, do you recognize your Twitter handle is
10 tagged -- or is on there, E. Jean Carroll?

11 A. Yes.

12 Q. Is this a tweet you put out?

13 A. Yes.

14 Q. Does it appear to be your Twitter handle?

15 A. Yes.

16 MS. HABBA: Your Honor, I would like to move DX-44
17 into evidence.

18 MS. KAPLAN: Same objections, your Honor.

19 THE COURT: Same ruling. Sustained.

20 Q. Nate, please pull up DX-82.

21 Ms. Carroll, what is this?

22 A. This is a tweet.

23 Q. Is this a tweet you put out?

24 A. Yes.

25 Q. And that's your handle, E. Jean Carroll?

OliQcarl

Carroll - Cross

1 A. Yes.

2 MS. HABBA: Your Honor, I would like to admit DX-82
3 into evidence.

4 MS. KAPLAN: Same objections, your Honor.

5 THE COURT: Same ruling. Sustained.

6 Q. Nate, please pull up DX-83. Excuse, me let's go to DX-84,
7 actually.

8 Ms. Carroll, do you see this tweet?

9 A. Yes.

10 Q. What is it?

11 A. It's a post by me.

12 Q. And that's your handle, correct?

13 A. Yes.

14 MS. HABBA: Your Honor, I would like to admit DX-84
15 into evidence.

16 MS. KAPLAN: Same objections, your Honor.

17 THE COURT: I'm going to allow it.

18 MS. HABBA: Thank you.

19 (Defendant's Exhibit 84 received in evidence)

20 Q. Ms. Carroll --

21 A. Yes.

22 Q. -- did you tweet, "How do you know your 'unwanted sexual
23 advance' is unwanted until you advance it"?

24 A. Yes.

25 Q. And did you put that out at 12:04 p.m. on November 25,

01IQcarl

Carroll - Cross

1 2015?

2 A. Yes.

3 Q. And is that still on your Twitter account?

4 A. Yes.

5 Q. Nate, please put up DX-83.

6 Ms. Carroll, what is that?

7 A. It's a tweet.

8 Q. Is that your Twitter handle?

9 A. Yes.

10 Q. Is that a tweet you put out?

11 A. Yes.

12 MS. HABBA: Your Honor, I would like to move DX-83
13 into evidence.

14 MS. KAPLAN: Same objections, your Honor.

15 THE COURT: Objection sustained.

16 Q. DX-85, please, Nate.

17 Ms. Carroll, do you recognize this?

18 A. Yes, it's a tweet.

19 Q. And in this document, do you recognize your Twitter handle?

20 A. Yes.

21 Q. Is this something you posted?

22 A. Yes.

23 MS. HABBA: Your Honor, I would like to move DX-85
24 into evidence.

25 MS. KAPLAN: Same objections, your Honor.

01IQcarl

Carroll - Cross

1 THE COURT: I'll receive this one.

2 MS. HABBA: Thank you, your Honor.

3 (Defendant's Exhibit 85 received in evidence)

4 Q. Ms. Carroll, in this post what is that picture from?

5 A. It is from *Wall Street*, the movie *Wall Street*.

6 Q. And you state, "Any ideas on how to dominate a man,"
7 correct?

8 A. Yes.

9 Q. What is that link to the picture underneath that comment?

10 A. It links to a -- I think to an Ask E. Jean column and *Elle*.

11 Q. Were your Ask E. Jean columns often discussing sex or
12 things of that nature?

13 A. Yes.

14 MS. KAPLAN: Objection, your Honor.

15 Q. And you posted this at 4:53 p.m. on August 15, 2015,
16 correct?

17 A. Yes.

18 Q. And it is still on your Twitter website, isn't it?

19 A. Yes.

20 Q. What does that mean dominating a man, Ms. Carroll?

21 A. It means getting your way and living the way you would like
22 you to live.

23 Q. Can we pull the last exhibit that was entered 84 up?

24 THE COURT: That was not, I believe -- excuse me. It
25 was received.

01IQcarl

Carroll - Cross

1 Q. Ms. Carroll, in this one, you say, "How do you know your
2 unwanted sexual advance is unwanted, until you advance it"?
3 What do you mean by that?

4 A. I obviously mean that if you take someone's hand, you don't
5 know if they'll receive your hand unless you take that hand.

6 Q. You being the one that's grabbing the hand?

7 A. This was in answer to an Ask E. Jean question.

8 Q. Was the question here in your Tweeter -- Twitter account?

9 A. No.

10 Q. So this is just your statement?

11 A. Yes.

12 Q. And both tweets are still up on Twitter, correct?

13 A. Yes.

14 Q. Can we please pull up for the witness DX-86.

15 Ms. Carroll, what is this?

16 A. This is a tweet.

17 Q. Is this a tweet you wrote?

18 A. Yes.

19 Q. Is that your Twitter handle?

20 A. That's my Twitter handle.

21 MS. HABBA: Your Honor, I'd like to move DX-86 into
22 evidence.

23 MS. KAPLAN: Objection, your Honor.

24 THE COURT: Ground?

25 MS. KAPLAN: 412, 403, your Honor's collateral

01IQcarl

Carroll - Cross

1 estoppel rulings.

2 THE COURT: Overruled. It's received.

3 MS. HABBA: Thank you.

4 (Defendant's Exhibit 86 received in evidence)

5 BY MS. HABBA:

6 Q. Ms. Carroll, does this tweet that you wrote say, "A chap is
7 not a mind-reader. Show him what you like or he will soon
8 regret he even has a penis"?

9 A. Mmm-hmm.

10 Q. Is that a yes?

11 A. Did you ask a question?

12 Q. I asked if this is what it says?

13 A. Yes, that is what it says.

14 Q. And you posted that on August 7, 2013 at 1:51 p.m.,
15 correct?

16 A. Yes.

17 Q. It is still on your Twitter account today?

18 A. Yes.

19 Q. What did you mean by this?

20 A. Tell a man what you'd like.

21 Q. And what do you mean by "he will soon regret he even has a
22 penis"?

23 A. I'm talking about when two people are in love, and they're
24 making love, the lovers can't guess what each other wants
25 unless they tell one another.

OliQcarl

Carroll - Cross

1 Q. He will regret it. That sounds to me like what you
2 interpreted president Trump to say was a threat, correct?

3 MS. KAPLAN: Objection, your Honor.

4 THE COURT: Sustained.

5 Q. Can you please pull up DX-87.

6 Ms. Carroll, what is this?

7 A. It's a tweet.

8 Q. Is this your Twitter account?

9 A. Yes.

10 Q. You recognize this?

11 A. Yes.

12 MS. HABBA: Your Honor, I'd like to move DX-87 into
13 evidence.

14 MS. KAPLAN: Objection, your Honor. Plus it's 2013.
15 There is just no conceivable relevance or connection.

16 THE COURT: It's received.

17 MS. HABBA: Thank you, your Honor.

18 (Defendant's Exhibit 87 received in evidence)

19 Q. Ms. Carroll, does this say, "What can be done about the
20 penis? It gets large when you want it small and stays small
21 when you want it large"?

22 A. Yes.

23 Q. Those were your words, correct?

24 A. Yes.

25 Q. And you posted them on a public social media account--

01IQcarl

Carroll - Cross

1 A. Yes --

2 Q. -- on March -- please let me finish, Ms. Carroll.

3 -- on March 6, 2013, correct?

4 A. Yes.

5 Q. 2:34 p.m.?

6 A. Yes.

7 Q. And you left that on your Twitter account as we stand here
8 today, correct?

9 A. Yes.

10 Q. What does that mean, "What can be done about the penis"?

11 A. It's a philosophical question. Sometimes women do not feel
12 like making love and the man wants to. Sometimes a man wants
13 to make love and the woman doesn't want to. It has to be
14 worked out. My column was about relationships. Many times I
15 address them in short quippy phrases like this.

16 Q. And discuss penises?

17 A. Yes, we discussed penises.

18 Q. Nate, can you please pull up DX-88.

19 Ms. Carroll, what is this?

20 A. This is a tweet.

21 Q. Is this a tweet you put out?

22 A. Yes.

23 Q. Is that your Twitter account?

24 A. Yes.

25 MS. HABBA: Your Honor, I'd like to move DX-88 into

OliQcarl

Carroll - Cross

1 evidence.

2 MS. KAPLAN: Same objections, your Honor. And now
3 we're looking at 2010.

4 THE COURT: Sustained.

5 Q. Ms. Carroll, I have asked you about several tweets?

6 A. Yes.

7 Q. You didn't delete them?

8 A. No.

9 Q. Did you delete any of your tweets?

10 A. No. I told you before I did not delete a post.

11 Q. So all your posts are still up on your Twitter account as
12 we sit here today?

13 A. I believe they are.

14 Q. Does anybody else have access to your Twitter account?

15 THE COURT: It's been answered.

16 A. No.

17 Q. Nate, can you please pull up DX-47.

18 Ms. Carroll, do you recognize this?

19 A. Yes.

20 Q. What is this?

21 A. This is a tweet.

22 Q. Ms. Carroll, if I represented it might be a Facebook post,
23 would that be more accurate?

24 THE COURT: We're not having any representations.

25 You're not a witness.

OliQcarl

Carroll - Cross

1 Q. Is your Twitter account handle on here?

2 A. No.

3 Q. So how is it a tweet?

4 A. Oh, I guess it's not. I guess it's a --

5 THE COURT: The question is, do you know?

6 A. I don't know. I don't know.

7 Q. Is that your profile picture?

8 A. It's my -- it's been my profile picture on all my social
9 media accounts.

10 Q. What social media accounts do you have?

11 A. Instagram, Facebook, Twitter, Threads.

12 Q. On Instagram, can you post comments like this?

13 A. On Instagram? Do I post comments like -- no. This is --
14 this is from my -- yes, I do post comments like this,
15 obviously.

16 Q. So you do not recognize where this could have come from?

17 A. No, but possibly Facebook.

18 Q. Do you recognize it as your own comment?

19 A. Oh, it's something I would say, absolutely.

20 Q. Do you have any reason to believe this is not your post?

21 A. No, I believe it's my post.

22 MS. HABBA: Your Honor, I'd like to admit DX-47 into
23 evidence.

24 MS. KAPLAN: Your Honor, way, way far afield, into
25 topics that the parties have agreed not to discuss, 403. 412.

01IQcarl

Carroll - Cross

1 Relevance.

2 THE COURT: Sustained.

3 Q. Ms. Carroll, do you consider yourself an advocate for
4 women?

5 A. Yes.

6 Q. And is it fair to say that many commentators have praised
7 you for your advocacy?

8 A. Some people have, yes.

9 Q. More than one?

10 A. Yes.

11 Q. More than two?

12 A. I think so.

13 Q. More than ten?

14 A. Possibly.

15 Q. And you've received a lot of positive coverage after the
16 verdict in the *Carroll II* trial, correct?

17 A. Yes.

18 Q. Did the *Carroll II* verdict in your opinion provide you with
19 bigger status in New York?

20 A. It provided me with enormous elation and a feeling of
21 well-being and a feeling of triumph.

22 Q. And after your other trial finished against the president,
23 you did another round of media, didn't you?

24 A. We had four -- five television appearances.

25 Q. And you posted about your victory as well as the television

01IQcarl

Carroll - Cross

1 appearances, correct?

2 A. I posted twice on my Substack about it.

3 Q. Did you post anything on Twitter about it?

4 A. I think I did make a post on Twitter.

5 Q. Did you post anything on Instagram?

6 A. I believe I did post on Instagram.

7 Q. Did you post anything on Facebook?

8 A. I believe I -- I'm not sure about Facebook, but I suppose I
9 did.

10 Q. Have you talked about your victory on any podcasts other
11 than the shows you did on TV?

12 A. One podcast.

13 Q. Have you talked to any news reporters since your victory?

14 A. A group of reporters at my attorney's office.

15 Q. When was that?

16 A. The following day.

17 Q. You had a press conference --

18 A. No. No. No. It was one newspaper. They had a group of
19 reporters from one newspaper.

20 Q. What newspaper was that?

21 A. The *New York Times*.

22 Q. Ms. Kaplan arranged for the *New York Times* to be at her
23 office the following day? Is that your testimony?

24 MS. KAPLAN: Objection, your Honor.

25 THE COURT: I'm sorry, what was that? It's sustained.

01IQcarl

Carroll - Cross

1 Q. So other than that, have you had any communication with the
2 press since that day?

3 A. Very little. I have led a very quiet life since then.

4 Q. When you say "very little," what has your communication
5 been with the press?

6 A. I really can't think of anything.

7 Q. So you can't think of anything other than the meeting you
8 just discussed?

9 A. We had five television appearances, the meeting with the
10 *New York Times*, one podcast. I'm drawing a blank for anything
11 else.

12 Q. Leading up to this case -- withdrawn.

13 You previously testified the media appearances were on
14 CNN and MSNBC, correct, on TV?

15 A. Yes.

16 MS. KAPLAN: Asked and answered, your Honor.

17 Q. And these are left-leaning platforms. Isn't that right?

18 THE COURT: Sustained.

19 Q. These are left-leaning platforms?

20 THE COURT: Did you perhaps not hear?

21 MS. HABBA: I thought that was for the first question,
22 your Honor.

23 Q. So when you go on these programs, they were generally
24 sympathetic, weren't they?

25 MS. KAPLAN: Objection, your Honor.

01IQcarl

Carroll - Cross

1 THE COURT: Sustained.

2 Q. Ms. Carroll, has anyone on TV ever questioned your
3 credibility?

4 MS. KAPLAN: Objection, your Honor. Inconsistent with
5 your Honor's rulings.

6 THE COURT: Sustained.

7 Q. Did you go on TV because you thought it would help your
8 reputation, Ms. Carroll?

9 A. Yes, I wanted people to know the good news, that we had won
10 this milestone case.

11 Q. And you went on TV prior to the good news about winning the
12 milestone case, correct?

13 A. No. I did for the book four years before that. I went on
14 four television shows in 2019, yes.

15 Q. Were you portrayed in a negative light?

16 MS. KAPLAN: Objection, your Honor.

17 THE COURT: Sustained.

18 Q. Would you call yourself a success on social media,
19 Ms. Carroll?

20 A. No, I'd call myself mediocre on social media.

21 Q. But you will agree that in the past few years, you have
22 increased your following on social media, correct?

23 A. Yes, because I started a Substack and because I was more
24 agile at learning how to do Twitter.

25 Q. How do you know it's not because of this lawsuit,

01IQcarl

Carroll - Cross

1 Ms. Carroll?

2 A. I don't -- I think it's because I used to post on my
3 Substack once a week, and I upped it to three times a week.

4 Q. After you appeared on prime time TV, did your followers
5 increase back in 2019?

6 A. I think -- yes, I think it did.

7 Q. And then in 20 -- last year when you won the last trial
8 against the president and you went on prime time TV, did you
9 receive more followers after that?

10 A. I believe I received a few more followers, yes.

11 Q. What is prime time TV, Ms. Carroll?

12 A. I guess it's anything after 8:00 -- 7:00 or 8:00, I'm not
13 sure. 7:00 or 8:00 in the evening.

14 Q. Do you know why it's called prime time TV?

15 MS. KAPLAN: Objection, your Honor.

16 THE COURT: Sustained.

17 Q. Ms. Carroll, you worked in the TV industry, didn't you?

18 A. Yes.

19 Q. You understand that there are certain parts of time during
20 the day when more people watch. Is that correct?

21 A. Yes.

22 Q. And what is that time?

23 A. 8:00 to 11:00.

24 Q. Is that also known as prime time?

25 A. Yes.

01IQcarl

Carroll - Cross

1 Q. And the shows you appeared on, some of those were prime
2 time, correct?

3 MS. KAPLAN: Asked and answered, your Honor.

4 THE COURT: Sustained.

5 A. Yes. Two.

6 THE COURT: Ms. Carroll --

7 THE WITNESS: Sorry, your Honor.

8 THE COURT: -- there was an objection.

9 The answer is stricken.

10 (Continued on next page)

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OiIsCAR2

Carroll - Cross

1 MS. HABBA: Can you please pull up DX 30 for the
2 witness. Excuse me, 31. They are correcting me.

3 BY MS. HABBA:

4 Q. Ms. Carroll, what is this?

5 A. This is my Twitter profile.

6 Q. Does this appear to be a screenshot of your Twitter
7 profile?

8 A. Yes.

9 MS. HABBA: Your Honor, I would like to offer DX 31
10 into evidence.

11 MS. KAPLAN: Your Honor, there is no date on this
12 document.

13 THE COURT: Well, the witness testified in the present
14 tense.

15 MS. KAPLAN: Withdrawn, your Honor.

16 THE COURT: Received.

17 (Defendant's Exhibit 31 received in evidence)

18 MS. HABBA: Thank you, your Honor.

19 BY MS. HABBA:

20 Q. When you joined Twitter, how many followers did you have?

21 A. One.

22 Q. Considerably less than 232,000 followers, correct?

23 A. Yes.

24 Q. In fact, didn't you only have ten and a half thousand
25 followers back in 2017?

OiIsCAR2

Carroll - Cross

1 A. Probably around 10 or 12. I don't know. Around there.

2 MS. HABBA: Nate, can you please pull up the document
3 marked DX 30, for the witness. 30.

4 Q. Ms. Carroll, what is this?

5 A. This is a screenshot of how many followers I have.

6 Q. What is the social media?

7 A. This is Twitter. I believe -- no, no. I think it's
8 Facebook. Actually, I don't know. It says E. Jean Carroll
9 twitter.

10 OK. Twitter.

11 Q. Do you know approximately when you would have had these,
12 without getting into the details; do you know when this was?

13 A. Pardon?

14 Q. Do you know when this screenshot was taken from?

15 Obviously 2024, but do you know what year this would
16 be from?

17 THE COURT: Is this in evidence?

18 MS. HABBA: No, I just am trying to authenticate it,
19 your Honor.

20 THE COURT: What you are trying to do is get the
21 witness to read it to you.

22 MS. HABBA: I've instructed her not to. We can move
23 on.

24 BY MS. HABBA:

25 Q. So you stated you had between ten to 12,000 followers back

OiIsCAR2

Carroll - Cross

1 in 2017, correct?

2 A. Yes.

3 Q. What do you believe this exponential increase came from?

4 A. Hard work.

5 Q. You don't think any of that increase came as a direct
6 result of the fame you received from coming forward with your
7 story?

8 A. I believe that played a part, yes.

9 Q. And do you think that now you have greater ability to reach
10 a wider audience with your writing, given your increased
11 following base?

12 A. I am reaching more readers. It's not particularly a wide
13 base. It's still a very -- 28,000 readers is not a wide base.
14 It's a small base.

15 Q. You have 232,000 followers?

16 A. Oh, on Twitter, yes.

17 Q. You stated yesterday that you have to use Twitter to have
18 your stories go out, right?

19 A. Yes.

20 Q. So not 28,000, correct?

21 A. No. I thought you were talking about Substack.

22 Q. Do you have a link to your Substack on your Twitter
23 account?

24 A. Yes.

25 MS. HABBA: Nate, can you please pull up the document

OiIsCAR2

Carroll - Cross

1 premarked DX 32.

2 Q. Ms. Carroll, what is this?

3 A. This is a tweet.

4 Q. Is that your Twitter handle?

5 A. Yes.

6 Q. Do you recognize that as something you put up?

7 A. Yes.

8 MS. HABBA: Your Honor, I would like to move DX 32
9 into evidence.

10 MS. KAPLAN: No objection, your Honor.

11 THE COURT: Received.

12 (Defendant's Exhibit 32 received in evidence)

13 MS. HABBA: Thank you.

14 Q. Ms. Carroll, I believe I'm not sure if the plaintiff has
15 put this in. I remember seeing it. We'll call it DX 32. I'll
16 check with opposing counsel.

17 Does this say, Ladies, may I have a word with you ...
18 question, we won?

19 A. Yes.

20 Q. That was on 12:50 on May 10, 2023, correct?

21 A. Yes.

22 Q. How many views did you get?

23 A. I don't know how many views.

24 Oh, 3.9 million views.

25 Q. So your post was viewed 3.9 million times, correct?

OiIsCAR2

Carroll - Cross

1 A. Yes.

2 THE COURT: That's what she just said.

3 Q. Is it correct that none of your tweets prior to the lawsuit
4 received anywhere near 3.9 million views, is that correct?

5 A. I'm not sure.

6 Q. After the verdict was received on the last trial against
7 the president, several celebrities reached out to you, isn't
8 that correct?

9 A. Yes.

10 Q. The actor John Cusack described you as heroic, didn't he?

11 A. I'm not sure.

12 Q. Do you remember Jamie Lee Curtis thanking you?

13 A. She's a friend, so yes.

14 Q. Is she a celebrity?

15 A. Yes.

16 Q. And actress and advocate Mira Sorvino said she was proud of
17 you and happy for you, remember that?

18 A. It's lovely, yes. Thank you for reminding me.

19 Q. So you do remember receiving that?

20 A. I remember Mira, yes.

21 Q. Actress Alyssa Milano thanked you, do you remember that?

22 A. Yes.

23 Q. Bette Midler even tweeted about the verdict, correct?

24 A. Yes. It was all wonderful.

25 Q. And Rob Reiner?

OiIsCAR2

Carroll - Cross

1 A. They were very happy with the verdict.

2 Q. And you've been invited to several social events because of
3 your role in this case, haven't you?

4 A. I've been invited to two parties.

5 Q. What were those two parties?

6 A. At Molly Jong-Fast's house, both of them.

7 Q. Who is that?

8 A. Molly Jong-Fast is a journalist, an imminent journalist,
9 and she's a very good hostess.

10 Q. Who does she write for?

11 A. Right now, Vanity Fair.

12 Q. When you went to those two parties, was Mary Trump or Kathy
13 Griffin there?

14 A. Yes.

15 Q. Was your lawyer there?

16 A. She was at a recent party.

17 Q. Anybody else from her team at the party with you with them?

18 A. No.

19 Q. Furthermore, you've become -- I'm going to withdraw that.

20 Is it safe to say that your friends that we discussed
21 yesterday -- Kathy Griffin, Mary Trump, George Conway -- all of
22 these people do not like president Trump at all, do they?

23 MS. KAPLAN: Objection, your Honor.

24 THE COURT: Sustained.

25 Q. Ms. Carroll, you said you were on Instagram, correct?

OiIsCAR2

Carroll - Cross

1 A. Yes.

2 Q. What is your handle on Instagram?

3 A. *EJeanCarroll*. I think *EJeanCarroll11*. I'm not on it much,
4 maybe twice a month.

5 Q. When did you join Instagram?

6 A. Oh, years ago.

7 Q. Do you know what year?

8 A. When did it start? 2007, 2008?

9 Around there, I guess.

10 MS. HABBA: Nate, can you please pull up what has been
11 premarked DX 34 for the witness.

12 Q. Ms. Carroll, do you recognize this document?

13 A. Oh, it's an Instagram.

14 Q. Is it your Instagram?

15 A. I guess, yes. *EJeanCarroll11*, there it is.

16 Q. And does it appear to be a screenshot of your Instagram
17 account?

18 A. Yes.

19 Q. Do you have any reason to doubt its authenticity?

20 A. No.

21 MS. HABBA: Your Honor, I would like to offer DX 34
22 into evidence.

23 MS. KAPLAN: No objection, your Honor.

24 THE COURT: Received.

25 (Defendant's Exhibit 34 received in evidence)

OiIsCAR2

Carroll - Cross

1 Q. Ms. Carroll, you have approximately 12 and a half thousand
2 followers on Instagram, correct?

3 A. Yes.

4 Q. How many of these followers did you have in 2014?

5 A. Oh, I have no -- I have no idea. Maybe half. I have no
6 idea.

7 Q. Significantly less?

8 A. Honestly, I'm so rarely on Instagram, I'm not sure.

9 Q. Ms. Carroll, do you have any current projects --

10 A. No.

11 Q. -- lined up?

12 A. None.

13 Q. You have an agent, correct?

14 A. No.

15 Q. Did you have an agent?

16 A. I had an agent until 2019.

17 Q. Did you have an agent when you came out with your Cut
18 article?

19 A. No.

20 Q. But you had the publicist through your publisher, correct?

21 A. I had --

22 MS. KAPLAN: I think this has been asked and answered.

23 THE COURT: This has been asked and answered, yes.

24 Q. When did you get an agent?

25 A. Oh, 1983, 1982.

OiIsCAR2

Carroll - Cross

1 Q. And when did you fire your agent?

2 A. I didn't --

3 MS. KAPLAN: Objection, your Honor.

4 THE COURT: Sustained.

5 Q. Why don't you have an agent right now?

6 A. I'm not working on anything. I don't need an agent.

7 Q. Have you been promoting publicly the book Mary Trump, we
8 discussed with Mary Trump yesterday?

9 MS. KAPLAN: Asked and answered, your Honor.

10 MS. HABBA: No, it was not.

11 THE COURT: Just wait a minute.

12 (Pause)

13 MS. KAPLAN: Also, your Honor, I believe it's a
14 Substack, not a book.

15 THE COURT: Sustained as to form, at least.

16 BY MS. HABBA:

17 Q. In the media, in Substack social media, has your name come
18 up with Mary Trump and the romance story that is coming out?

19 MS. KAPLAN: Asked and answered, your Honor.

20 THE COURT: Sustained.

21 Q. Are you helping Mary Trump in any way?

22 MS. KAPLAN: Asked and answered.

23 THE COURT: Sustained.

24 MS. KAPLAN: Your Honor.

25 MS. HABBA: OK.

OiIsCAR2

Carroll - Cross

1 Q. Are you still working on your Substack?

2 A. Yes. Well, I haven't been. I stopped writing when
3 litigation proceeded lately.

4 Q. Litigation --

5 Lately?

6 A. Right here, yes. This trial.

7 Q. Two days ago?

8 A. No, no. I stopped posting on Substack three weeks -- two
9 weeks ago, three weeks ago. I don't remember which.

10 Q. OK. And you had another trial, we've discussed?

11 A. Yes.

12 Q. Did you work on your Substack in between this trial and the
13 last trial?

14 A. Yes.

15 Q. So you stopped for a couple weeks to prepare for this
16 trial --

17 A. Yes.

18 Q. -- or whatever, whatsoever?

19 A. Yes.

20 Q. OK. Do you plan to go back on Substack after this?

21 A. Yes.

22 Q. Do you plan to go back on TV after this case?

23 A. I'm not sure what will happen.

24 Q. So you've come a long way since that ranch in Montana,
25 haven't you, Ms. Carroll?

OiIsCAR2

Carroll - Cross

1 MS. KAPLAN: Objection, your Honor.

2 THE COURT: Sustained.

3 Q. As you sit here today, do you believe you are more
4 well-known because of the allegations you made against my
5 client, president Trump?

6 A. Yes, I'm more well-known and hated by a lot more people.

7 MS. HABBA: Your Honor, I move to strike that. That's
8 not responsive.

9 THE COURT: Overruled.

10 Q. Did you expect that everybody would like you, Ms. Carroll?

11 A. I --

12 MS. KAPLAN: Objection, your Honor.

13 THE COURT: Sustained. Asked and answered.

14 Q. Do you feel that you are more recognized today than you
15 were in June of 2019?

16 MS. KAPLAN: Objection, your Honor. Asked and
17 answered.

18 THE COURT: Sustained, at least as to form.

19 Q. Do more people know you today since your accusation came
20 out?

21 MS. KAPLAN: Objection, your Honor. Asked and
22 answered multiple times.

23 THE COURT: Sustained, at least as to form.

24 Q. Aren't you making more money today than you were before The
25 Cut article came out in 2019?

OiIsCAR2

Carroll - Cross

1 MS. KAPLAN: Objection, your Honor. Asked and
2 answered.

3 THE COURT: Sustained.

4 Q. And it's fair to say, at least to a broad spectrum of
5 American people, you are more well-regarded today than you were
6 in June of 2019, correct?

7 MS. KAPLAN: Objection, your Honor.

8 THE COURT: Sustained.

9 Q. You have been provided opportunities today, such as hosting
10 your own Substack and appearing on Primetime media, that you
11 weren't being provided in 2019, correct?

12 MS. KAPLAN: Objection, your Honor. And I --

13 THE COURT: Sustained.

14 MS. KAPLAN: I object further to the tone.
15 Argumentative.

16 Q. Your reputation, in many ways, is better today, isn't it,
17 Ms. Carroll?

18 A. No. My status was lowered. I'm partaking in this trial to
19 bring my own reputation and status back.

20 Q. So you sued Donald Trump to bring your old reputation back?

21 A. Yeah.

22 MS. HABBA: No more questions, your Honor.

23 THE COURT: All right. Thank you.

24 We'll take our morning break. 15 minutes, folks.

25 (Recess)

OiIsCAR2

Carroll - Redirect

1 Is there going to be redirect?

2 MS. KAPLAN: Very brief, your Honor.

3 THE COURT: OK. Get the jury.

4 (Jury present)

5 Welcome back, folks.

6 Ms. Carroll, you're still under oath.

7 Ms. Kaplan, redirect examination, please.

8 MS. KAPLAN: Thank you, your Honor.

9 REDIRECT EXAMINATION

10 BY MS. KAPLAN:

11 Q. Ms. Carroll, do you recall that Ms. Habba asked you a
12 series of questions about the gap, was the word she used?

13 A. Yes.

14 Q. And about the denial from the White House that was in The
15 Cut magazine excerpt of your book on June 21, 2019; do you
16 recall that?

17 A. Yes.

18 Q. And I think your testimony -- withdrawn. I don't want to
19 characterize it.

20 If you can repeat again, what was the denial in that
21 piece?

22 A. It was a denial issued from the White House.

23 Q. OK. Ms. Carroll, whose office -- withdrawn.

24 Who was president at the time?

25 A. Donald Trump.

OiIsCAR2

Carroll - Redirect

1 Q. Who had his office in the White House at that time?

2 A. Donald Trump.

3 MS. HABBA: Objection. Sorry.

4 THE COURT: What's the objection?

5 MS. HABBA: Your Honor, this is completely
6 speculation. I understand what she's doing. I'm trying not to
7 say it in front of the jury, but it's prejudicial.

8 THE COURT: Prejudicial.

9 The question is: Who had his office in the White
10 House at that time?

11 MS. HABBA: Yes.

12 But can we have a side bar?

13 THE COURT: That's prejudicial.

14 MS. HABBA: I can discuss it in front of the jury, if
15 we can have a sidebar.

16 THE COURT: We're not going to have it in front of the
17 jury.

18 MS. HABBA: Your Honor, she's trying to imply --

19 THE COURT: We are not going to have it in front of
20 the jury.

21 Come to the sidebar. I don't understand what happens
22 if you say I can do it in front of the jury and I say no and --

23 MS. HABBA: I misunderstood you.

24 (Continued on next page)

OiIsCAR2

Carroll - Redirect

1 (At the sidebar)

2 THE COURT: Ms. Habba, what is it?

3 MR. MADAIIO: I'll speak for defense.

4 THE COURT: All right.

5 MR. MADAIIO: The issue we would like to raise is it's
6 prejudicial where this is headed. They are going to be
7 statements issued by the White House and they are trying imply
8 they were president Trump that made the statements.

9 Those statements are not at issue. There has been no
10 showing that he was the one that made them and, again, those
11 statements are not attributable to him. They are not the issue
12 at suit. They are not at issue in this suit.

13 And even if they were, they were obviously immunity
14 issues there that have not been litigated in this case.

15 THE COURT: What obvious immunity issues?

16 MS. HABBA: The White House --

17 MR. MADAIIO: If they are trying to impugn liable to
18 him.

19 THE COURT: No, they are not. I'll give an
20 instruction.

21 MR. MADAIIO: Because, to the extent, even if these
22 tweets were attributable to that White House statement, that's
23 not the same as being attributable to president Trump.

24 THE COURT: I understand that. That's why I'm willing
25 to give such an instruction.

OiIsCAR2

Carroll - Redirect

1 MR. MADAIIO: OK. All right. That's all we wanted to
2 make clear.

3 (Continued on next page)
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OiIsCAR2

Carroll - Redirect

1 (In open court)

2 THE COURT: Members of the jury, just to reiterate to
3 you again, the two statements by Mr. Trump that are the basis
4 of the compensatory damage claim in this case are the written
5 statement on June 21, Plaintiff's Exhibit 1, and the written
6 statement on June 24, Plaintiff's Exhibit 2.

7 There is no compensatory damage claim being made with
8 respect to whatever was said that appeared in the New York
9 Magazine piece called The Cut, or on The Cut, or whatever the
10 right formulation of that is at sometime before Plaintiff's
11 Exhibit 1.

12 All right. Let's go ahead.

13 MS. KAPLAN: Judge, I'm sorry. Just to clarify the
14 record, I think you said June 21 and June 24, and it's June 21
15 and June 22.

16 THE COURT: Thank you. I stand corrected.

17 June 21 and June 22.

18 BY MS. KAPLAN:

19 Q. Ms. Carroll, do you recall that Ms. Habba, in her cross-
20 examination of you, showed you a handful of tweets that you
21 were tagged in on Twitter between the time that The Cut
22 magazine excerpt was published online and the Laura Litvan
23 tweet later that afternoon; do you recall that?

24 A. Yes.

25 Q. The tweets that Ms. Habba showed you from that period of

OiIsCAR2

Carroll - Redirect

1 time, did any of those tweets accuse you of being a paid
2 democratic operative?

3 A. No.

4 Q. Did any of those tweets threat your life?

5 A. No.

6 Q. Did any of those tweets say that you should be in jail?

7 A. No.

8 Q. Did any of those tweets say that you should be raped?

9 A. No.

10 Q. Now, do you recall that Ms. Habba asked you a bunch of
11 questions about social status?

12 A. Yes.

13 Q. Do you recall those questions?

14 Did you reveal your account of what Donald Trump did
15 to you at Bergdorf Goodman in 1996 to enhance your social
16 status?

17 A. No. It took great courage to come forward and tell people
18 what happened.

19 Q. Do you remember that Ms. Habba asked you a bunch of
20 questions about being on magazine covers; do you recall those
21 questions?

22 A. Yes.

23 Q. Did you reveal your account of the sexual assault by
24 Mr. Trump because you wanted to be on a magazine cover?

25 MS. HABBA: Objection, your Honor.

OiIsCAR2

Carroll - Redirect

1 THE COURT: Overruled.

2 MS. KAPLAN: You can answer.

3 A. No. The exact opposite.

4 Q. Did you reveal your account of what Mr. Trump did that day
5 in 1996 because you wanted to make money from it?

6 A. No.

7 Q. Did you decide to reveal your account of what had happened
8 that day at Bergdorf Goodman -- withdrawn.

9 Did you wait to tell your story intentionally about
10 what Mr. Trump had done to you, wait until he became president?

11 A. No, no.

12 Q. Now, I think you testified to this with me on direct.

13 Did you expect to receive backlash when you told your
14 account of what Donald Trump had done to you?

15 MS. HABBA: Objection, your Honor, asked and answered.

16 THE COURT: Overruled.

17 A. Yes, I did expect backlash.

18 Q. In terms of what actually happened, did Mr. Trump's
19 statements on June 21 and June 22 make the backlash worse?

20 THE COURT: Worse than what?

21 MS. KAPLAN: Worse than what she expected.

22 A. It was worse.

23 Q. Now, I think Ms. Habba asked you this question, but you
24 didn't have any conversations with counsel, with me or anyone
25 from my law firm, since you've finished your testimony

OiIsCAR2

Carroll - Redirect

1 yesterday, correct?

2 A. No.

3 THE COURT: Not correct, or no, you didn't have any
4 conversations?

5 MS. KAPLAN: My fault.

6 THE WITNESS: I had no conversations.

7 Q. Would you be surprised to learn, Ms. Carroll, that during
8 that time, Donald Trump made yet another statement about you?

9 A. Yes.

10 MS. KAPLAN: Your Honor --

11 A. No, I would not be surprised, actually.

12 Q. Did you know he made another statement about you?

13 A. No, but I'm not surprised.

14 MS. KAPLAN: Can we put up just a still of Plaintiff's
15 164.

16 THE COURT: Well, are you offering it?

17 MS. KAPLAN: I will, your Honor. Obviously, I'm going
18 to argue self-authentication here. I couldn't authenticate it
19 with the witness beforehand.

20 MS. HABBA: Your Honor, I would just ask counsel if
21 they plan to play what he said.

22 MS. KAPLAN: We do.

23 THE COURT: I don't know.

24 MS. HABBA: Yes. OK.

25 BY MS. KAPLAN:

OiIsCAR2

Carroll - Redirect

1 Q. Ms. Carroll, looking at this still which is before you,
2 have you ever seen this before?

3 A. No.

4 Q. Do you recognize the person here?

5 A. Yes.

6 MS. KAPLAN: Your Honor, we would like to offer one --
7 I have a transcript, too, I can hand to her.

8 THE COURT: Well, that would be 164-T, would it?

9 MS. KAPLAN: Exactly. It would be 164-T, your Honor.

10 THE COURT: All right. Is there any objection?

11 MS. HABBA: No objection, your Honor.

12 MS. KAPLAN: May I approach, your Honor?

13 THE COURT: Yes. 164 and 164-T are both received.

14 Same instruction about the transcript, ladies and
15 gentlemen.

16 MS. HABBA: It might have been a marking inadvertently
17 by tech.

18 MS. KAPLAN: Excuse me.

19 AV TECHNICIAN: Let me clear this for you.

20 MS. KAPLAN: Oh. Is the screen clear --

21 THE WITNESS: Yes.

22 MS. KAPLAN: -- Mr. Termonfilis?

23 THE COURT: When you say is the screen clear, is it
24 blank?

25 MS. KAPLAN: Your Honor, what we were talking about,

OiIsCAR2

Carroll - Redirect

1 there was a weird purple line going across the screen.

2 THE COURT: Thank you.

3 MS. KAPLAN: Mr. Termonfilis, can you play for the
4 jury 164, please.

5 (Video played)

6 Ms. Carroll --

7 MS. HABBA: I'm sorry, your Honor. That is not the
8 full clip. I was not made aware of this portion only being
9 shown.

10 OK. Well, I would like the whole clip played.

11 THE COURT: Let me have 164-T, Ms. Kaplan.

12 MS. KAPLAN: Here you go, Mr. Mohan.

13 THE COURT: Do you have a transcript of the whole
14 thing?

15 MS. KAPLAN: I do not, your Honor. I can represent
16 that the things that were cut were either not about
17 Ms. Carroll --

18 THE COURT: I don't want that either. You're not a
19 witness.

20 MS. KAPLAN: OK. This is what we did with all the
21 other videos, your Honor, that we played.

22 THE COURT: I don't know that.

23 MS. HABBA: I have no objection to the video being
24 played, the whole video, your Honor, and it is relevant because
25 they cut what he said about her.

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Carroll - Redirect

1 THE COURT: They cut what he said about her?

2 MS. HABBA: Yes, that is not it. It's cut.

3 THE COURT: I see. The whole thing is made up. That
4 has nothing to do with Ms. Carroll.

5 MS. HABBA: My point is it's not the full clip, your
6 Honor.

7 THE COURT: I don't know that because I'm not glued to
8 CNN.

9 Look, we're not going to do this now. They are
10 entitled to see the whole thing.

11 MS. KAPLAN: Yeah.

12 THE COURT: If there is an issue under completeness,
13 I'll deal with it.

14 MS. HABBA: The whole thing was not sent to me.

15 MS. KAPLAN: That's not a problem, your Honor.

16 THE COURT: We'll pass over that for now. The
17 exhibits are not now received.

18 MS. KAPLAN: Didn't we --

19 (Counsel confer)

20 Your Honor, so the record is clear, we sent this to
21 them.

22 MS. HABBA: A portion.

23 THE COURT: I don't care. You know the rules.

24 (Counsel confer)

25 BY MS. KAPLAN:

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Carroll - Recross

1 Q. Ms. Carroll, I think you've been testifying about the
2 changes throughout your testimony yesterday and today, the
3 changes to your reputation as a result of the statements
4 Mr. Trump made in June 2019, correct?

5 A. Yes.

6 Q. Sitting here today, would you prefer to have the reputation
7 you have now with all those Twitter followers or the reputation
8 you had before June 2019?

9 A. Reputation before.

10 MS. KAPLAN: No further questions, your Honor.

11 THE COURT: Recross.

12 MS. HABBA: I'll be brief.

13 RECROSS EXAMINATION

14 BY MS. HABBA:

15 Q. Ms. Carroll, you said you would rather have the reputation
16 before, correct?

17 A. Yes.

18 Q. Was it your choice to do the article with The Cut?

19 A. Yes.

20 MS. KAPLAN: Objection, your Honor.

21 THE COURT: Yes.

22 No, overruled.

23 Q. Yesterday you stated that you were ducking as you heard a
24 threat from Twitter on June 21, correct?

25 MS. KAPLAN: Objection.

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Carroll - Recross

1 A. No --

2 THE COURT: Excuse me. When the lawyer stands up, it
3 means there is an objection.

4 THE WITNESS: Yes.

5 THE COURT: And you wait.

6 THE WITNESS: OK.

7 THE COURT: What is it?

8 MS. KAPLAN: Outside the scope.

9 THE COURT: Sustained.

10 MS. HABBA: I didn't hear what she said.

11 THE COURT: Outside the scope.

12 MS. HABBA: Outside?

13 She directly, your Honor, talked about the threat
14 again on redirect that she received.

15 MS. KAPLAN: I don't think I did, your Honor.

16 THE COURT: I don't believe so.

17 MS. HABBA: Can I have a moment to look at the
18 transcript?

19 THE COURT: Let me go back and look at the transcript.

20 (Counsel confer)

21 If I'm mistaken, I'll correct it.

22 MS. HABBA: The question was whether, during the gap
23 of time we'll call it, if she received death threats. That is
24 what she asked her about.

25 THE COURT: What's your question?

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Carroll - Recross

1 MS. HABBA: Do you know what time that was?

2 THE COURT: Do you know what time what was?

3 MS. HABBA: That you received that threat?

4 A. Yes.

5 THE COURT: She didn't say threat, she said threats.

6 BY MS. HABBA:

7 Q. Threats. Do you know what time they were?

8 A. I know what time I opened my computer and saw my e-mails in
9 my Twitter, around 11:30 at night.

10 Q. My question was, do you know what time those threats were
11 sent to you at your Twitter account?

12 A. No. I didn't focus on the dates or the times.

13 Q. Do you have any of them?

14 A. I have many of the tweets and posts, but I don't have the
15 letters because I deleted them.

16 Q. Did you delete any -- those were tweets that you deleted,
17 Ms. Carroll?

18 A. I'm not sure. My state of mind that night, my body was
19 clinched. My heart was raising.

20 MS. HABBA: Excuse me, your Honor. Sorry to interrupt
21 you, Ms. Carroll.

22 Move to strike that. I'm asking her if she deleted
23 them.

24 THE WITNESS: I'm trying to tell you.

25 THE COURT: Ms. Carroll.

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Carroll - Recross

1 THE WITNESS: Yes.

2 THE COURT: Either you remember deleting tweets --
3 we're talking about tweets, that's what we're talking about.

4 THE WITNESS: I don't remember.

5 THE COURT: Just a minute.

6 And when, if ever, that happened.

7 A. I don't precisely remember deleting them.

8 Q. Have you ever deleted threats?

9 A. Yes.

10 Q. On what social media websites; what platforms, Twitter?

11 A. Yes.

12 Q. Instagram?

13 A. No.

14 Q. Facebook?

15 A. Yes.

16 Q. Text messages?

17 MS. KAPLAN: We're getting way outside the scope, your
18 Honor.

19 MS. HABBA: It's directly on point with her redirect.
20 She wants to have damages for claims --

21 THE COURT: Sustained. Repetitious.

22 Q. Do you use WhatsApp, Ms. Carroll?

23 A. No.

24 MS. KAPLAN: That's definitely outside the scope.

25 THE COURT: The answer is in. You have to make timely

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Carroll - Recross

1 objections.

2 MS. HABBA: Your Honor, I would like to pull up DX 72
3 for the witness.

4 MS. KAPLAN: Your Honor, we haven't --

5 These documents are ones that haven't come in and we
6 have objections to them.

7 THE COURT: I haven't seen it. I don't know what it
8 is.

9 Put it on the screen.

10 MS. HABBA: Your Honor, this is what they asked for
11 time for.

12 THE COURT: It's there.

13 Is there a question?

14 MS. HABBA: Yes.

15 BY MS. HABBA:

16 Q. Ms. Carroll, do you recognize what this is?

17 A. I -- I think it's a tweet.

18 Q. Does that appear to be your Twitter handle?

19 A. Yes.

20 Q. And is that Twitter handle tagged in that tweet?

21 A. Yes.

22 MS. HABBA: Your Honor, I would like to move DX 72
23 into evidence.

24 MS. KAPLAN: Your Honor, this is entirely outside the
25 scope.

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Carroll - Recross

1 THE COURT: Sustained.

2 MS. HABBA: Can we please pull up DX 73 for the
3 witness.

4 Q. Ms. Carroll, what is that?

5 THE COURT: Look, if you're going to do this with 73
6 through 78, is there objection to any of them, Ms. Kaplan?

7 MS. KAPLAN: There are. All of them, your Honor. We
8 thought we were going to meet-and-confer.

9 THE COURT: Yes.

10 Did you do that?

11 MS. KAPLAN: No, they --

12 (Counsel confer)

13 We asked and they said --

14 MS. HABBA: That's a misrepresentation. You didn't
15 ask to meet-and-confer with me.

16 THE COURT: What you're really doing is you're asking
17 to reopen the direct. That's what you're asking to do.

18 MS. HABBA: Your Honor, I preserved it. They asked
19 me, and I gave them what they asked, as you directed, that they
20 have time to review it so that I could then come back to it.

21 MS. KAPLAN: Your Honor --

22 THE COURT: That certainly isn't exactly what
23 happened.

24 MS. HABBA: Take a look at the transcript.

25 THE COURT: Yes, you do that.

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Carroll - Recross

1 You said 'no further questions' and sat down. That's
2 the long and the short of it.

3 MS. HABBA: OK, your Honor.

4 THE COURT: Just a minute.

5 Is there an application from the defense about these
6 exhibits?

7 MS. HABBA: Yes, your Honor. I gave Ms. Kaplan and
8 her team the exhibits to review during the break, as per your
9 instruction. I've gotten no objection in the interim.

10 I would like to go one by one. There are only six.
11 If she would like to state --

12 THE COURT: You're not going one by one. I made that
13 clear before. But the question is whether you're applying to
14 offer them this evidence now.

15 MS. HABBA: I am offer -- I am applying to offer them
16 in evidence now, as I preserved originally. Yes, your Honor.

17 THE COURT: You think you preserved.

18 MS. HABBA: OK, your Honor. I would like to offer
19 these into evidence now, please.

20 THE COURT: Ms. Kaplan.

21 MS. KAPLAN: Your Honor, we object to their admission.
22 Many of them are barred by your Honor's prior rulings,
23 collateral estoppel, 403, and are cumulative. We certainly, as
24 your Honor I think understands, never agreed that that allowed
25 her to reopen questioning about them.

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Carroll - Recross

1 THE COURT: I have that point.

2 All right. I'm looking at 73, exhibit to me. 74.

3 I'm sorry. I was looking at 72.

4 I would like to see 73.

5 74.

6 75.

7 76.

8 77.

9 78.

10 All right. Here's what we're going to do. I am not
11 relying on the defendant's failure to offer these later in the
12 direct after we put them aside, which, in fact, is a sufficient
13 ground to exclude them. But I am not doing it on that ground.

14 I sustain the other objection made. They are not
15 coming in, except that --

16 Let me just check my notes. Electronic is wonderful,
17 except when they don't work.

18 The objections are sustained.

19 BY MS. HABBA:

20 Q. Ms. Carroll, I had asked when we started whether you spoke
21 to your attorney during the time that you were put under oath
22 yesterday before this morning.

23 Do you remember that?

24 A. Yes.

25 Q. Did you speak to any attorneys at all, not ones

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Carroll - Recross

1 representing you?

2 A. No. No.

3 Q. George Conway, for instance?

4 A. No.

5 Q. Ms. Kaplan just asked you -- this is my last question.

6 Ms. Kaplan just asked you about what your motivations
7 were when you came out with the cover of that magazine on New
8 York; remember that?

9 A. Yes.

10 Q. Before you did that and came out with your story, you had a
11 New York Times fact-checkers, didn't you?

12 MS. KAPLAN: Objection.

13 THE COURT: Sustained as to form.

14 Q. Ms. Carroll, you were worried people would question your
15 story, so you had the New York Times fact-check it at one
16 point, didn't you?

17 A. When The Times was writing the story, yes, they fact-
18 checked it.

19 Q. And when they fact-checked it, they found errors in your
20 story such as years of the dress, for instance, correct?

21 MS. KAPLAN: Outside the scope, your Honor.

22 THE COURT: Sustained.

23 MS. HABBA: No more questions.

24 THE COURT: Any redirect?

25 MS. KAPLAN: Nothing, your Honor.

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Humphreys - Direct

1 THE COURT: Ms. Carroll, you're excused. Thank you.

2 (Witness excused)

3 Next witness.

4 MS. CROWLEY: Plaintiff calls Dr. Ashlee Humphreys.

5 ASHLEE HUMPHREYS,

6 called as a witness by the Plaintiff,

7 having been duly sworn, testified as follows:

8 THE DEPUTY CLERK: Thank you.

9 If you can please state your name and spell your first
10 and last name for the record.

11 THE WITNESS: Sure. My name is Ashlee Humphreys.
12 A-s-h-l-e-e. H-u-m-p-h-r-e-y-s.

13 THE COURT: You may proceed, Ms. Crowley.

14 MS. CROWLEY: Thank you, your Honor.

15 DIRECT EXAMINATION

16 BY MS. CROWLEY:

17 Q. Good afternoon, Professor Humphreys.

18 What is your current profession?

19 A. I'm a professor of integrated marketing communications at
20 Northwestern University.

21 Q. How long have you been on the faculty at Northwestern?

22 A. I've been on the faculty since 2008.

23 Q. Have been asked to perform work on behalf of the plaintiff
24 in this case, E. Jean Carroll?

25 A. Yes, I have.

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Humphreys - Direct

1 Q. On what topic?

2 A. I was asked to calculate the reach for a set of statements
3 made by the defendant, Mr. Trump, about Ms. Carroll, the
4 defendant, to assess the reputational impact of those
5 statements, if any, and to calculate the cost to repair that
6 reputational damage.

7 Q. We'll get back to that in a couple minutes, but I would
8 just like to talk about your background.

9 Where did you go to undergrad?

10 A. I went to Northwestern University.

11 Q. What did you study?

12 A. I studied economics and philosophy.

13 Q. Did you go to grad school?

14 A. Yes, I did. I got my Ph.D. at Northwestern as well.

15 Q. And now that you're on the faculty at Northwestern.

16 You might have touched on this already, what do you
17 teach?

18 A. I teach social media strategy, I teach marketing research,
19 I teach consumer behavior.

20 Q. Are you familiar with the term reputation repair?

21 A. Yes, I am.

22 Q. Is that one of the topics that you teach about?

23 A. Yes. In social media, for instance, we discuss
24 reputational repair through social media and other channels,
25 and design campaigns to do that.

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Humphreys - Direct

1 Q. What is reputational repair?

2 A. Reputational repair, companies, celebrities commonly do
3 this, and they hire companies to do it. It's when you place
4 positive messages about someone or some company with trusted
5 stakeholders, with trusted, um, sources.

6 Q. And that's to repair damage done to that person, celebrity
7 or company's reputation?

8 A. That's right.

9 Q. Professor, in addition to teaching, do you engage in
10 research?

11 A. Yes, I do.

12 Q. Are you currently engaged in research?

13 A. Yes.

14 Q. On what topics?

15 A. I am doing research on search marketing, um, on wine, on
16 casino gambling. I research a lot of different types of
17 topics.

18 Q. And have you authored any books?

19 A. Yes, I have. I have a book on social media called Social
20 Media: Enduring Principles.

21 Q. When was that first published?

22 A. That was first published in 2016, and I'm currently
23 revising the book.

24 Q. As an academic, have you published articles in your field?

25 A. Yes. I published over 20 peer-reviewed articles.

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Humphreys - Direct

1 Q. You said peer-reviewed?

2 A. Yes, that's right.

3 Q. What does that mean?

4 A. When an article undergoes peer review, it is sent to your
5 colleagues anonymous, they don't know that you wrote it. They
6 read it and assess its validity, and you revise the paper
7 before it's published.

8 Q. What are those articles about, just generally?

9 A. In general, I study how industries and other ideas become
10 accepted in the public sphere. I also study how that happens
11 through digital and social media.

12 Q. Have you received any awards related to your academic work?

13 A. Yes. In 2020, I was named a marketing science institute
14 scholar, which kind of picks out the most prominent 35
15 marketing scholars in the world.

16 Q. Any other awards?

17 A. Several of my papers have won awards for best paper.

18 Q. Have you made any academic presentations?

19 A. Yes. I have made over 40 academic presentations around the
20 world.

21 Q. Now, aside from this case, have you ever been consulted as
22 a legal expert in any other case?

23 A. Yes, I have.

24 Q. How many times?

25 A. I have worked about ten cases.

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Humphreys - Direct

1 Q. And, in those cases, were those civil cases?

2 A. Yes, they are all civil.

3 Q. And in those cases, were you retained by the defendant or
4 the plaintiff?

5 A. Most cases have been for the plaintiff. I have one case
6 right now that is for a defendant.

7 Q. Have you authored any expert opinions in connection with
8 those other cases?

9 A. Yes, I have.

10 Q. What kinds of opinions have you offered?

11 A. I offer opinions generally on two types of cases. One type
12 of case concerns defamation, usually on social media, and I
13 also offer opinions on cases that are marketing related, such
14 as trademark cases, marketing practices, things like that.

15 Q. Have you ever testified in court before?

16 A. Yes, I have.

17 Q. In which cases?

18 A. I testified in a case with the same defendant and plaintiff
19 here, where Ms. Carroll was suing Mr. Trump, and I've also
20 testified in a case where two election workers were suing
21 Rudolph Giuliani, again, for defamation.

22 Q. So those two cases also involved claims for defamation?

23 A. Yes.

24 Q. Just briefly, what was the subject of your testimony in the
25 other case involving Ms. Carroll and Donald Trump?

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Humphreys - Direct

1 A. In that case, I was estimating the reach of one particular
2 statement made in October of 2022 about Ms. Carroll.

3 Q. And that was a statement made by Donald Trump?

4 A. That's right, yeah.

5 Q. And what was, just generally, the subject of your testimony
6 in the Rudy Giuliani case?

7 A. In general, I was looking at a similar thing where
8 Mr. Giuliani had made, I believe, 12 statements about the
9 plaintiffs, these election workers. And I was calculating how
10 many people saw those and the cost to repair those individual
11 reputations.

12 Q. So in the Giuliani case, you testified on behalf of the
13 plaintiffs?

14 A. That's right, yeah.

15 Q. What is your political affiliation?

16 A. I'm registered as a democrat.

17 Q. Have you ever voted for a republican?

18 A. No, I haven't.

19 Q. Does your political affiliation affect your professional
20 work as an expert?

21 A. No. The calculations here are pretty mechanical, so no.

22 Q. Did you agree to take this case or to work on this case
23 because of your political views?

24 A. No.

25 Q. Are you being paid for your work on this case?

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Humphreys - Direct

1 A. Yes, I am.

2 Q. How much?

3 A. For the research and reporting, I'm paid \$510 an hour, and
4 for my time for the testimony, I'm paid \$850 an hour.

5 Q. Based on your experience, is that rate or are those rates
6 fairly standard for experts in your field?

7 A. Yes, those are fairly standard.

8 Q. Are they toward the higher end or lower end?

9 A. I would say a little bit more toward the lower end. Some
10 of my colleagues I know get paid \$1,000 an hour.

11 Q. Were you paid in connection with your work, on the work
12 that you did in Ms. Carroll's other lawsuit?

13 A. Yes, I was.

14 Q. And were you paid the same rates?

15 A. Yes, I believe the rates were the same.

16 Q. All right. So, Professor Humphreys, you testified that you
17 were asked to do work in this case. Can you just describe
18 generally, what was the nature of that work?

19 A. Yes. I was asked to calculate the reach for some
20 statements by Mr. Trump about the plaintiff, Ms. Carroll, to
21 assess the reputational harm, if any, of those statements, and
22 then to estimate the cost to repair that reputational damage.

23 Q. We already talked about this a little bit more later.

24 When you say the reach of those statements by
25 Mr. Trump, what do you mean?

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Humphreys - Direct

1 A. I mean how many impressions did they get. So when a
2 prominent person makes a statement, it's circulated in lots of
3 different types of media, and so I needed to understand first
4 how many people saw this statement.

5 Q. And what were the dates of the statements that you
6 analyzed?

7 A. There were three statements initially that I analyzed. One
8 was on June 21st, 2019, one was on June 22nd, 2019, and there
9 was a third statement in my initial analysis that occurred on
10 June 24th, 2019.

11 Q. Did there come a time when you removed one of those
12 statements from your analysis?

13 A. Yes. I provided a supplemental analysis that removed the
14 June 24th statement.

15 Q. You're here to testify just about your analysis relating to
16 the June 21 and June 22 statements, correct?

17 A. That's right.

18 Q. Did anyone assist you in the work that you did in
19 connection with this case?

20 A. Yeah. I was assisted by a team of four research
21 assistants.

22 Q. Why did you use research assistants?

23 A. In a case like this, there is quite a bit of data, and they
24 were really helpful in collecting the data, cleaning the data,
25 and then performing calculations at my direction.

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Humphreys - Direct

1 Q. Did you prepare a report in connection with your work on
2 this case?

3 A. Yes, I did.

4 Q. Did you help prepare a slide deck that summarized the
5 methodology that you used and the conclusions that you reached?

6 A. Yes, I did.

7 Q. And would that assist the jury in understanding your
8 testimony today?

9 A. Yes.

10 Q. If we can just put up on the screen the demonstrative which
11 is marked Plaintiff's Exhibit 14.

12 Is this the slide deck that you helped prepare?

13 A. Yes, it is.

14 MS. CROWLEY: May I publish to the jury, your Honor?

15 THE COURT: Yes.

16 Q. You testified just a minute ago that your work involved
17 analyzing the reputational harm caused by two statements.

18 If we go to the first slide, this slide shows what's
19 in evidence as Plaintiff's Exhibit 1.

20 Is this one of the statements that you focused on as
21 part of your analysis?

22 A. Yes, it is.

23 Q. And on what date was this statement made?

24 A. June 21st, 2019.

25 Q. Where was this statement first published?

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Humphreys - Direct

1 A. It was first published on to Twitter by a journalist, by a
2 journalist named Laura Litvan.

3 Q. We can go to the next slide. You can see what is in
4 evidence on this slide as Plaintiff's Exhibit 2.

5 Is this the other statement that you focused on as
6 part of your analysis?

7 A. Yes, it is.

8 Q. What date, what was the date of this statement?

9 A. This was on June 22, 2019.

10 Q. And who did Donald Trump make this statement to?

11 A. This statement was made to some reporters, I believe, on
12 the south lawn of the White House.

13 Q. In broad strokes, how did you go about analyzing how those
14 two statements affected Ms. Carroll's reputation?

15 A. The first step was to calculate how many impressions did
16 the statement receive, how many times was it seen or heard on
17 different media channels. The next step was to understand the
18 impact of those statements, so how did they damage
19 Ms. Carroll's reputation, if they did.

20 And then a second part of that analysis was to
21 understand how many people likely believed the statements when
22 they saw them or were receptive to believing them. And I call
23 that the impact assessment.

24 And then the third part of my work was to understand
25 or estimate how much would it cost to repair that damage to

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Humphreys - Direct

1 Ms. Carroll's reputation, and I call that the damages model.

2 Q. In your experience, is this a fairly standard way to
3 measure reputational harm used by experts in your field?

4 A. Yes, it is.

5 Q. OK. Now, you just testified that the final step in your
6 analysis was to determine how much it would cost to repair
7 Ms. Carroll's reputation.

8 Is that another way of saying that you estimated the
9 amount of damages in this case?

10 A. Yes, that's right.

11 Q. And are you here to offer an opinion on the amount of
12 reputational damages that Ms. Carroll suffered as a result of
13 Donald Trump's statements?

14 A. Reputational damages, yes.

15 Q. Are you offering any opinion on what punitive damages would
16 be in this case?

17 A. No, I'm not.

18 Q. Are you offering any opinion as to memory harm or emotional
19 damage that Ms. Carroll may have suffered as a result of
20 Trump's statements?

21 A. No, I'm not.

22 Q. At a high level, we're going to go into this, what is your
23 opinion with respect to the reputational damages that Trump's
24 statements caused to Ms. Carroll?

25 A. I found that Mr. Trump's statement reached a very large

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Humphreys - Direct

1 number of people, that before the statements, Ms. Carroll had
2 one set of associations attached to her name. After the
3 statements, the associations and the public sphere were
4 completely different and aligned with his particular statement.
5 I found that damage was severe to her reputation as a
6 journalist and that the costs to repair it were considerable.

7 Q. You testified that you were initially asked to include a
8 statement that Donald Trump made on June 24, 2019.

9 A. Yes.

10 Q. Looking at the slide and what's in evidence as Plaintiff's
11 Exhibit 3, is that the statement that you initially included in
12 your analysis?

13 A. Yes, it is.

14 Q. And you testified, I believe, that you removed this
15 statement and redid your analysis, correct?

16 A. Yes.

17 Q. Why did you remove this statement?

18 A. I was asked by Ms. Carroll's counsel to remove the
19 statement from my calculations.

20 Q. Again, the analysis that you're testifying about today is
21 limited to the harm caused by Donald Trump's statement on
22 June 21 and his statement on June 22, correct?

23 A. That's correct.

24 Q. OK. I would like to just take a step back and talk about
25 some basic concepts for a minute.

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Humphreys - Direct

1 What is a reputation?

2 A. A reputation, we all have reputations. We build them
3 throughout our lifetime with friends we have, our family, the
4 work that we do. A reputation can be damaged either by
5 something that someone does or something that is said about
6 someone. We typically think of them as having both a moral and
7 an economic value.

8 Q. What does that mean?

9 A. So by moral value, we mean that it gives someone dignity in
10 society. It enables people to trust them, to kind of -- it's
11 how they operate in society based on your reputation. It's a
12 moral value.

13 They also have economic value. So they enable you to
14 get gainful employment, to keep employment, and then to also
15 get future employment.

16 Q. Now, I believe you just testified that a reputation,
17 someone's reputation can be harmed when someone makes a
18 negative statement about them.

19 Does everyone who hears that negative statement need
20 to believe it in order for the reputation to be harmed?

21 A. No. We think a reputation as kind of a general perception.
22 Imagine, for example, you go to work one morning and someone
23 said that you stole money. Even if a minority of people
24 believe that, let's say like 20 percent of your colleagues
25 believe that, it still impacts your reputation.

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Humphreys - Direct

1 So they might be talking about it with others, they
2 might be talking to others who don't believe it. It would be
3 kind of the talk of the office, and you would feel that it
4 affected your reputation. It would have affected your
5 reputation even if 20 percent of the people believe it.

6 Q. How, if at all, does the fame or prominence of the person
7 making that negative statement about you affect the harm to
8 your reputation?

9 A. Kind of famous sources have two aspects. One is that their
10 statements are covered very widely in the media, so it
11 increases the number of people who see and hear that
12 information. Typically famous people will be trusted by some
13 portion of the public.

14 Q. What happens when that same famous person makes the same or
15 similar negative statements more than once?

16 A. So what we know from research is that the repetition of
17 statements from a trusted source will strengthen your attitude
18 toward what that person is saying.

19 Q. How, if at all, can a reputation that's been damaged be
20 repaired?

21 A. Um, so it can be difficult to repair a reputation, but
22 companies and celebrities routinely kind of do these exercises
23 and they are widely regarded to be successful. It involves
24 placing positive messages about that person or that company
25 with trusted sources.

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1 So this could be certain media channels that the
2 person listens to or watches, it could be something on social
3 media, like hiring influencers.

4 Q. And we're going to talk about this more in a minute, but
5 can those positive messages be placed anywhere for reputation
6 repair to be effective?

7 A. No. For an effective reputational repair campaign, you
8 want to place the message with trusted sources, people that
9 that target audience believes and trusts.

10 Q. And when you say target audience, what do you mean?

11 A. The people whose attitudes you're trying to change.

12 Q. Is it always possible to repair damage to a reputation?

13 A. No, not for every single person in the audience, no.

14 Q. What happens if a reputation is not repaired?

15 A. If a reputation isn't repaired, those associations can
16 linger. They do linger over time, and anytime that person's
17 name kind of comes up in the public sphere, those same
18 associations emerge.

19 Q. How, if at all, do social media and the internet affect a
20 reputation that has not been repaired?

21 A. Um, well, on social media, as we all know, anybody can post
22 anything at any time. And so if there is a considerable group
23 of people who believe something, they will and can post about
24 it, if they still hold those negative associations.

25 Q. I would like to talk now about the work that you did on

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1 this case.

2 You testified that the first analysis that you
3 performed was estimating the reach or the number of times that
4 Donald Trump's June 21 and June 22 statements were seen. I
5 believe you called that the impressions model.

6 What is an impression?

7 A. An impression is one person seeing a statement one time.

8 Q. What does it mean for a statement to have a high number of
9 impressions?

10 A. If the statement has a high number of impressions, it would
11 be seen by many people. We measure kind of new media, like
12 social media and impressions, and we tend to measure old or
13 traditional media and viewers.

14 Q. You testified that the two statements that Trump made in
15 June 2019 first appeared on Twitter and then in a White House
16 press release.

17 What did you observe about whether those statements
18 spread to other forms of media?

19 A. Anytime a prominent person makes a statement, it's
20 circulated in what I would call the media system, so in
21 different channels of communication. So in order to calculate
22 how many people saw this statement, you need to calculate how
23 many people saw it in each different channel.

24 Q. And what forms of media did Donald Trump's statements
25 spread to?

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1 A. So here I included its spread on social media, on the
2 internet in the form of online news articles, in print
3 publications, and on television.

4 Q. OK. So let's start with the web.

5 Can you explain to us how you calculated the number of
6 times Donald Trump's statements were viewed on the web?

7 A. Sure. So in this case, I started with the complaint. The
8 complaint was prepared, I believe, by Ms. Carroll's lawyers,
9 and it listed a set of news articles that contained the
10 statement.

11 Q. Did you review those articles?

12 A. Yes, I did.

13 Q. Did you, in fact, ensure that those articles contained
14 Donald Trump's statements?

15 A. Yes. So I checked all of the articles to make sure the
16 statement was in the article.

17 Q. And how many articles were cited in the complaint?

18 A. In the complaint, 53 articles were cited.

19 Q. Did you remove any of those articles in conducting this
20 analysis?

21 A. Yes. So when removing articles that referred only to that
22 June 24 statement, I removed six articles that referred only to
23 that statement.

24 Q. So you had 53 articles that referenced one of the three
25 statements, June 21, 22 or 24, and then you removed any

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1 articles that only referenced the June 24 statement?

2 A. That's right.

3 Q. What were some --

4 We'll go to the next slide.

5 How many articles remained after you removed those
6 six?

7 A. 47 articles remained.

8 Q. What were some of the cites where those 47 articles were
9 posted?

10 A. So, as you can see here, it appeared on news sites like Fox
11 News, the New York Times and Washington Post. It appeared in
12 magazines such as GQ and People. And it appeared on blogs and
13 other political news sites like Slate and Politico.

14 Q. After identifying the articles that included Trump's
15 June 21 and 22 statements, what was the next step in your
16 analysis?

17 A. The next step was to figure out how many people went to
18 those websites on that particular day.

19 Q. And did you consider the number of people on a particular
20 day, the number of people who visited these sites on a
21 particular day?

22 A. Yes. I only included the day that the article was
23 published.

24 Q. So you didn't look at people who may have visited the
25 website and view the article the next day or the next week or

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1 next month?

2 A. That's right.

3 Q. And in your opinion, would there have been more people who
4 would have visited these sites and viewed these articles the
5 following day or week or month?

6 A. Yes. I think undoubtedly there were people who visited
7 that website after that particular day.

8 Q. Now, does the fact that someone visited a website
9 necessarily mean that they've read the article that was posted
10 there?

11 A. Not necessarily, and so I accounted for that in my analysis
12 with something called a bounce rate.

13 (Continued on next page)

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1 BY MS. CROWLEY: (Continued)

2 Q. What's a bounce rate?

3 A. A bounce rate is basically the percent of people who go to
4 a website but who don't click anything. For some websites, it
5 can be about 60 percent of the visitors.

6 Q. What was the bounce rate that you used in this case?

7 A. It was -- it's reported by a publicly available source for
8 each individual site, and so it's different for each news
9 website.

10 Q. So if a person just reads the title of an article but
11 doesn't click on any links, that would be considered a bounce?

12 A. That's right, they would not be included.

13 Q. After you subtracted the bounce rate, what did you
14 determine was the total number of times that Trump's June 21st
15 and 22nd statements were viewed on the internet?

16 A. I basically added up the unique visitors for that
17 particular day for every site, and the total was 13.2 million
18 impressions.

19 Q. Again, that's just the number of people who visited the
20 sites where these articles were posted on the day that they
21 were posted?

22 A. That's right.

23 Q. You testified that you also calculated the number of times
24 that Trump's statements were viewed on social media. Which
25 platforms did you consider?

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1 A. Here I considered only Twitter.

2 Q. Does Twitter still go by that name?

3 A. No, I believe it's now called X.

4 Q. When did that name change happen?

5 A. That was last year sometime.

6 Q. Why did you only consider Twitter?

7 A. Twitter is very transparent. It's studied a lot in prior
8 research and so its numbers were easy to collect and calculate.

9 Q. Are you aware of whether Trump's statements were posted or
10 appeared on other forms of social media besides Twitter?

11 A. Yes, I know that it appeared on Facebook, for example.

12 Q. But you only considered Twitter?

13 A. Correct.

14 Q. What was your first step in calculating the number of times
15 that Trump's statements were viewed on Twitter?

16 A. So on social media, the way information travels is by
17 people. It may be posted by a particular news source like the
18 *New York Times*, but then people re-tweet it, and it goes out to
19 their followers as well. And so you need to account for not
20 only kind of those initial followers but also the followers of
21 the people who share the post. So you start from that big
22 group of followers and work on.

23 Q. Stepping back, how did you decide which Twitter posts to
24 consider in your analysis?

25 A. Right. So a first step was to consider which tweets to

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1 consider. And so I considered any tweet that was linked to one
2 of those 47 articles that were in my initial analysis and was
3 posted by that publisher's primary count, so the *New York*
4 *Times*, for instance, and contained one of the two statements in
5 the tweet itself.

6 Q. So if a Twitter post referenced one of the statements but
7 didn't link to an article, one of the 47 articles, that would
8 not have been counted in your analysis?

9 A. That's right.

10 Q. If a statement or if a post linked to an article but didn't
11 actually contain the statement in the post, that would not be
12 included in your analysis either?

13 A. That's right.

14 Q. How many tweets fit that criteria?

15 A. So 28 tweets fit that criteria, and they came from 13
16 accounts. As you can see here, they're from prominent sites.
17 Most of them have over a million followers.

18 Q. Did you consider any posts or accounts belonging to
19 individual people?

20 A. The only individual here was Laura Litvan, who was the
21 journalist that published one of the statements.

22 Q. Why didn't you consider individual accounts?

23 A. In this particular case, it was a lot. It would have been
24 computationally very difficult to just calculate and add up all
25 of those individuals. Certainly there were some, but I did not

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1 count them.

2 Q. How did you calculate the number of times that those 28
3 Twitter posts or tweets were seen?

4 A. So, you know, as I said, you include the followers of that
5 publication and the followers of people who re-tweeted the
6 article or shared it. But not all of those followers see what
7 you post. In fact, a small fraction of your followers see what
8 you share on social media. So you can imagine if you start
9 with a hundred followers, some of them might be bots.

10 Q. What's a bot?

11 A. A bot is an account that follows you but just kind of
12 automatically re-posts what you post. And computer science
13 research shows us that about 12 percent of the accounts of your
14 followers are bots.

15 Q. What did you do with that number?

16 A. So you start with a hundred, that takes you down to 87
17 human followers, and then even only a small fraction of those
18 will see the information. And we call that the impression
19 rate. So it's the percent of people who see what you share,
20 and there are two ways to calculate that. The first way is to
21 use an impression rate of about 20 percent. This is sort of
22 industry standard. And so I'm going to call that the
23 high estimate. So at the high -- there's another formula that
24 one can use that takes into account other information about the
25 tweet, like how many times it was re-tweeted and things like

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1 that. And that could give you an impression rate of about
2 5 percent.

3 Q. The high impression rate assumes about 20 percent of people
4 who follow an account actually saw the post that contained
5 Donald Trump's statement?

6 A. That's right.

7 Q. And the median rate or low rate assumes that only 5 percent
8 of the people who followed those accounts would have seen the
9 statements?

10 A. That's right.

11 Q. Considering the types of accounts that posted Donald
12 Trump's statements that you considered, do you think the
13 20 percent rate or the 5 percent rate is more reasonable?

14 A. So these were pretty -- very prominent accounts with lots
15 of followers. They also are sites that tend to have a lot of
16 engagement. So a lot of people are liking and re-tweeting
17 them. I would say the high estimate is more likely.

18 Q. We can go to the next slide, please. What are we looking
19 at here?

20 A. So this shows you how I calculated the impressions, for
21 example. If you take a look at the *time* one, for instance,
22 *time* has 16 million followers, and it tweeted an article that
23 fit the criteria. You add some of the followers because of
24 re-tweeting, and then you take basically either 5 percent or
25 20 percent of those, and that gives you an estimate of between

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1 600,000 and 2.8 million followers.

2 Q. And that's an estimate of how many people would have seen
3 *time's* post that contained one of Donald Trump's statements?

4 A. It's how many impressions, yes.

5 Q. And you did the same thing for each of the 28 posts?

6 A. Yes.

7 Q. After you calculated the impression rate for each of the 28
8 posts, what did you do next?

9 A. So I basically added those all together for all of the
10 posts, and that gives you between 25.3 million impressions and
11 7 million impressions.

12 Q. And, again, considering the types of accounts that were
13 posting Trump's statements that you considered, do you think
14 the high estimate or the low estimate is more accurate?

15 A. I think the high estimate is more accurate in this case.

16 Q. You testified that you also calculated the number of times
17 Trump's June 21st and 22nd statements were viewed on
18 television. Can you walk us through how you did that?

19 A. Sure. So the first challenge was to see where did it
20 appear on television. For that, I used a television news
21 database and I searched for the particular statement.

22 Q. How do you search a television database for statements?

23 A. So this -- that uses the closed captioning, the words that
24 people say on television, and you can search through them
25 digitally to identify the broadcasts.

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1 Q. You searched for Donald Trump's June 21st and 22nd
2 statements in that database?

3 A. Yeah.

4 Q. And how many television broadcasts did you identify that
5 aired or shared the June 21st or 22nd statement?

6 A. So I found 37 broadcasts on six different stations.

7 Q. What news stations aired those broadcasts?

8 A. You can see here their mainstream stations *CNN, Fox News,*
9 *NBC.*

10 Q. Once you identified the 37 broadcasts that aired the
11 statements, what did you do next?

12 A. Next I needed to see how many people were watching the
13 broadcast at that particular time, and for that I used a
14 publicly available source that basically monitors the viewers
15 on television, and they do that because of advertising rates,
16 the number of people watching is important to advertisers. And
17 so I consulted their numbers of viewers.

18 Q. And what did you determine about how many times the
19 June 21st and 22nd statements were viewed on TV broadcasts?

20 A. So I added up broadcasts and got 63.1 million viewers.

21 Q. Last you testified that you calculated the number of times
22 that the June 21st and 22nd statements were viewed in print or
23 newspapers?

24 A. That's right.

25 Q. Can you explain how you did that?

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1 A. Sure. So for this, I used a service that -- where you can
2 search newspapers, and I searched for Ms. Carroll's name and
3 the statement.

4 Q. And how many print articles did you find that shared the
5 June 21st or 22nd statement?

6 A. That was ten articles, again, in mainstream news like the
7 *Washington Post*, the *Chicago Tribune*, *USA Today*.

8 Q. How did you determine the total number of times that those
9 statements were read in those newspapers?

10 A. So, again, I added up the readers from each article to get
11 2.3 million impressions.

12 Q. Maybe you said this already, but how do you know how many
13 readers each of these newspapers has?

14 A. So, again, I consulted a third-party source that provides
15 those numbers for advertisers.

16 Q. And what was the total number of times that the June 21st
17 and 22nd statements were viewed in newspapers?

18 A. It was 2.3 million times.

19 Q. We just walked through several different forms of media.
20 Were you able to estimate the total number of times that
21 Trump's June 21st and 22nd statements were viewed in all of
22 those forms of media?

23 A. Yes. So here you add up each channel. For the social
24 media channel, you have an estimate between 25.3 and 7 million.
25 And then you add the others that were from publicly available

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1 sources to get a range between 104 million impressions and
2 85.8 million impressions.

3 Q. Were there any instances in which the statements may have
4 been seen or heard that your analysis didn't take into account?

5 A. Yes. So I started with just the articles in the complaint
6 in this case. I didn't include articles that were not in the
7 complaint that mentioned the statement. I also didn't include
8 entire platforms, such as Facebook or Reddit. I didn't include
9 television that wasn't in this database, so that would have
10 been local television. I also didn't include -- sometimes on
11 television that will be on YouTube, rebroadcast on YouTube, and
12 I didn't include those. I didn't include the mention of
13 statements on podcast, on radio, or word of mouth.

14 Q. For television, did you include broadcasts that referenced
15 or paraphrased the statements?

16 A. No, I included only direct locations.

17 Q. So in your opinion, was your total impression number likely
18 an undercount.

19 A. Yes, I considered it an undercount.

20 Q. Now, after estimating the number of times that Trump's
21 June 21st and 22nd statements were seen or heard, what did you
22 do next?

23 A. Next I needed to understand what impact, if any, did those
24 statements have on Ms. Carroll's reputation.

25 Q. I believe you said earlier that's called an impact

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1 assessment?

2 A. That's right.

3 Q. What's an impact assessment?

4 A. So it's where I understand both kind of qualitatively how
5 did the statements affect Ms. Carroll's reputation in the
6 public sphere by reading the responses to them and
7 understanding it more broadly. And then I also conducted a
8 quantitative analysis to figure out, well, what percentage of
9 those impressions that I calculated were receptive to the
10 claims of Mr. Trump.

11 Q. So let's start with the qualitative analysis. Can you tell
12 us what you did in that analysis?

13 A. Sure. So I started with publicly available data related to
14 Ms. Carroll's name. I read through book reviews, newspaper
15 articles, any connection to her name in the public sphere. I
16 also consulted the comments underneath the articles that I
17 counted in that first analysis as well as some social media
18 more generally.

19 Q. What time period were you focused on in this analysis?

20 A. I was focused on the time after -- well, both before and
21 after the statements.

22 Q. In June 2019?

23 A. That's right.

24 Q. Could you describe just generally what you observed about
25 Ms. Carroll's reputation prior to June 2019 as compared to her

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1 reputation after June 2019?

2 A. So before June 2019, she was known as a journalist, as a
3 women's advice columnist to a pretty general audience from
4 *Elle*. About 30 percent of *Elle*'s readers are conservative or
5 Republican. So she was known as a truth-teller, a sassy advice
6 columnist.

7 After June 2019, the associations with her name were
8 largely about her being a liar, being -- having a political
9 agenda and working with the Democratic party.

10 Q. When you say associations, what do you mean?

11 A. Yeah. I mean, anytime that her name appeared, those
12 associations appeared as well.

13 Q. And in conducting this analysis, what, if anything, did you
14 conclude about whether Trump's June 2019 statements affected
15 Ms. Carroll's reputation?

16 A. Yeah. So I determined that they did affect her reputation,
17 particularly as a journalist as someone's whose work is based
18 in the facts.

19 Q. Why did you conclude that?

20 A. Some of the content in Mr. Trump's statements from the
21 first and second statement called her a liar, said she wasn't
22 telling the truth, and that she had a particular agenda for not
23 telling the truth.

24 Q. And you observed those sorts of statements in some of the
25 comments that you looked at?

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1 A. That's right.

2 Q. On what platforms did you or what social media or media
3 platforms did you observe those comments?

4 A. I looked at both Twitter and Facebook.

5 Q. If we could go to the next slide. Are these examples of
6 some of the Twitter commentary that you reviewed?

7 A. Yes.

8 Q. Do you see the post that says, "She's only looking for
9 three things: Publicly for her book, money, and some political
10 agenda"?

11 A. Yes.

12 Q. What's the date of that post?

13 A. This post was made on June 22, 2019.

14 Q. What's that post replying to?

15 A. This, as you can see, under it say "replying to" and then
16 it has @dailycaller, which means it was replying to a
17 particular article that was in my first analysis that contained
18 the statements.

19 Q. So it was replying to an article that published one of
20 Donald Trump's statements?

21 A. That's right.

22 Q. And how, if at all, does this post relate to the substance
23 of Trump's statements?

24 A. So as you can see here, it repeats some of the claims in
25 those statements such as her seeking publicity for her book,

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1 having a political agenda.

2 Q. And do you see the post that says, "Sick, ugly, rejected
3 old hags trying to up their book sales should go to prison
4 themselves"?

5 A. Yes.

6 Q. What's the date on that post?

7 A. That's from September 21, 2022.

8 Q. Do you see the post that says, "Look, anything you
9 Democratic party touches is corrupt and full of lie"?

10 A. Yes.

11 Q. What's the date of that post?

12 A. That's from September 9, 2020.

13 Q. How, if at all, do those two posts relate to the substance
14 of Trump's statements?

15 A. So, again, it uses the content of his statement that she's
16 connected with the Democratic party, and that she's lying in
17 the statement itself.

18 Q. Were these posts similar to other comments that you
19 reviewed?

20 A. Yes. So in my report I provide over a hundred examples
21 that were connected with his particular statement and more than
22 a thousand in the public sphere more generally.

23 Q. Apart from reviewing commentary on social media, did you
24 look at any other data in connection with the qualitative
25 analysis?

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1 A. Yes. So I also looked at Google trends.

2 Q. What's that?

3 A. Google provides a way to look at how many people are
4 searching for a given word or phrase at a particular time, and
5 so you can use this tool to understand basically how many
6 people are searching, what's the public attention for this
7 term.

8 Q. And what term were you searching?

9 A. I was searching for E. Jean Carroll.

10 Q. What did you observe about -- from the Google trend data?

11 A. So as you can see here, the date is -- it's over time, and
12 Google provides you a score from zero to a hundred. They have
13 a lot of information about how many people are searching or
14 other information. They don't give you the total volume. They
15 just give you a rating from zero to a hundred. So what you can
16 see is the colored lines are the dates of the statements. The
17 first statement is in yellow. The second statement on June 22
18 is where that first peak is, and the third statement is in red.

19 Q. The third statement, again, was the statement Trump made on
20 June 24?

21 A. That's right.

22 Q. That statement you testified you removed from your damages
23 calculation, correct?

24 A. Correct.

25 Q. In your opinion, is there a difference in content between

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1 the statement that Trump made on June 24 and the two statements
2 that he made on June 21st and 22nd?

3 A. Yes, there's a bit of a difference in content only in that
4 in the first two statements he attacks Ms. Carroll's reputation
5 as being truthful, which is particularly harmful to her job as
6 a journalist. And the third statement I believe says she is
7 not his type, and her appearance is not particularly relevant
8 to her work.

9 Q. What, if anything, did you conclude about how the
10 statements that Trump made on June 21st and 22nd affected
11 Ms. Carroll's reputation?

12 A. So I found that they did affect her reputation, and, in
13 particular, they affected her reputation regarding being a
14 journalist, telling the truth, not having any particular
15 agenda.

16 Q. What was your next step in the impact assessment?

17 A. The next step in the impact assessment was to understand
18 what percent of those impressions, what portion of those people
19 were likely to believe the statement.

20 Q. What does it -- sorry. Withdrawn.

21 Why is it important to determine what percent of the
22 people who saw the statements likely believed them?

23 A. Yeah. I mean, here for the damages analysis to understand
24 what kind of campaign do you need to run, who is the target
25 audience, whose minds do you need to change, it's important to

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1 understand what portion of those impressions were effective. We
2 ended with the receptive audience.

3 Q. How do you go about figuring out the number of people who
4 saw Trump's June 21st and 22nd statements and likely believed
5 them?

6 A. So here I used a survey from a nonpartisan research group
7 called Pew Research Center. They provide you -- for any given
8 publication, they can tell you what percent of the readers are
9 Republican.

10 Q. Did your analysis assume that every Republican who saw
11 Trump's statements believed them?

12 A. No. Of course not all Republicans might believe
13 Mr. Trump's statements. For that I used an additional survey
14 from a company or a non-profit called YouGov who can give you
15 -- they did a survey to show 76 percent of Republicans believed
16 Mr. Trump on issues of sexual assault.

17 Q. And is that what we're seeing in this chart here?

18 A. Right. For example, for the *New York Times*, so 16 percent
19 of the readers at that time were Republican. But then if you
20 take only three-fourths of those readers, it's down to
21 12 percent of the readers who were likely receptive to
22 Mr. Trump's claims.

23 Q. So your analysis assumed that 12 percent of people who read
24 the *New York Times* believed Trump's statements, correct?

25 A. Yes.

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1 Q. And about 53 percent of people who read *Fox News* believed
2 Trump's statements?

3 A. Were receptive to them, yes.

4 Q. What is your next step after determining those percentages?

5 A. So the next step is essentially to take the impressions
6 from that first analysis, say for the *New York Times*, and only
7 take 12 percent of those impressions to calculate the receptive
8 impressions. So you do that, and you come up with a number
9 between 24.7 million and 21.2 million receptive impressions.

10 Q. That's the estimate of how many people who saw Trump's
11 statements and likely believed them?

12 A. That's right.

13 Q. Can you remind us what the low estimate is?

14 A. It's 21.2 million impressions.

15 Q. Why is there a low estimate?

16 A. There's a low estimate because of the range provided from
17 social media.

18 Q. That's the 5 percent and 20 percent of Twitter?

19 A. That's right. So this number was important because I based
20 the damages model only on these particular impressions.

21 Q. Professor Humphreys, to your knowledge, did Ms. Carroll
22 receive any positive messages, positive responses after Donald
23 Trump made his statements in June 2019?

24 A. Yes, she did.

25 Q. How, if at all, did you account for positive responses that

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1 Ms. Carroll received?

2 A. So I observed those in my impact analysis. Undoubtedly, of
3 the total impressions that I counted in that first part, those
4 were positive. Those believed Ms. Carroll, some of them, and
5 offered those positive responses.

6 However, in the damages analysis, I only included the
7 impressions that were receptive to those claims because I was
8 trying to estimate the reputational harm of the statements.

9 Q. You only included impressions that needed to be corrected?

10 A. That's right, yeah.

11 Q. You didn't include people who saw Donald Trump's statements
12 and did not believe them?

13 A. That's right, the damages are based only on the receptive
14 impressions.

15 Q. Now, in addition to analyzing how many people saw the
16 statements and how many people likely believed them, what was
17 your next step in your analysis?

18 A. The next step was to figure out, well, how much would it
19 cost to repair this reputational damage.

20 Q. How do you do that?

21 A. So for that you can design a reputation repair campaign as
22 a proxy for how much it would cost to repair that damage.

23 Q. Have you ever executed a reputation repair campaign
24 yourself?

25 A. No, I didn't.

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Humphreys - Direct

1 Q. How do you know about them?

2 A. I teach those to my students every quarter.

3 Q. What is a reputation repair campaign?

4 A. So a reputation repair campaign is where you would place a
5 positive message with a trusted source in a particular media
6 channel, and you typically would hire a number of public
7 sources -- a number of trusted sources, and they would share
8 different messages about kind of the attitude that you want to
9 change.

10 Q. Did you design a reputation repair campaign in connection
11 with your work on this case?

12 A. Yes, I did.

13 Q. How did you do that?

14 A. So the first step is to identify the target audience whose
15 attitudes do you want to change. And in this case, the target
16 audience was that 25 million, that receptive audience that I
17 calculated in the former analysis.

18 Q. So the people who saw Trump's statements and likely
19 believed them?

20 A. That's right.

21 Q. Those are the people you're targeting to try to change
22 their minds and repair Ms. Carroll's reputation?

23 A. Correct.

24 Q. You've used the term trusted source a couple times. What's
25 that?

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Humphreys - Direct

1 A. It can be a channel that someone watches that they trust.
2 It can be something like a podcast where they trust and like
3 the host. It can also very commonly now be an influencer.

4 Q. What's an influencer?

5 A. An influencer is someone, usually on social media, who has
6 a large following and the trust of their audience. And so
7 typically celebrities and companies will place messages and pay
8 these influencers to share information.

9 Q. What's a corrective message?

10 A. A corrective message is something positive that you want to
11 share with the audience and their influencers about almost any
12 topic you can think of. Influencers also exist in the
13 political space, both on the left and right.

14 Q. Can you give us examples of corrective messages that you
15 would use in a reputation repair campaign for Ms. Carroll?

16 A. Sure. So typically I think it would be someone who has
17 something good to say, who maybe read her book and wants to
18 talk about it. Or if she has done some recent work to talk
19 about it, share positive things about her. Again, that would
20 come from a trusted source for this particular audience, so you
21 want to hire influencers who this audience trusts. I think the
22 most the biggest following would be something somebody like Joe
23 Rogan, or Candace Owens is another one in this space.

24 Q. How did you determine where -- on what media platforms you
25 would post or send those corrective messages?

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Humphreys - Direct

1 A. So to figure out where to place the messages, you want to
2 place them where people in this particular audience get their
3 news. For that, I use the same survey from Pew Research that
4 will tell you for this audience of Republicans where do they
5 get their news. So, for example, 21 percent comes from cable
6 television.

7 Q. And, again, that's the people who likely believed Trump's
8 statements?

9 A. Yes.

10 Q. Okay. What was the next step in your analysis?

11 A. The next step is to figure out how many times do you need
12 to show the audience the message from a trusted source. So if
13 somebody has an attitude already, their attitude is not changed
14 by seeing a message one time, particularly on social media. So
15 you would -- research shows us that you need to show them a
16 message three, five, or even seven times.

17 Q. How do you determine how many times someone needs to see a
18 message in order to have their minds changed?

19 A. It depends on the strength of their attitude.

20 Q. How did that factor into your analysis here?

21 A. So in this case, these are political attitudes, and
22 political attitudes tend to be pretty close to the self or
23 self-image, what we think of ourselves, our identity. They are
24 also potentially strongly held if they've been exposed to a
25 message more than one time from this trusted source. And so I

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1 think three, five, in some cases even seven times would be
2 appropriate.

3 Q. So someone from this target audience would likely need to
4 see a corrective message three, five, or seven times to have
5 their minds changed?

6 A. That's right.

7 Q. If we could go to the next slide.

8 Can you walk us through how you calculated how much it
9 would cost to place those corrective messages?

10 A. Sure. So I created a few tables like this depending on the
11 different elements that I've outlined. But you start with the
12 total impressions that you want to serve. So that's
13 123.9 million impressions. That's showing that target audience
14 a message five times.

15 Q. I'll just stop you.

16 A. Sure.

17 Q. That number, 123 million, that's the number of people who
18 saw Donald Trump's statements and likely believed them?

19 A. Yeah. That's basically the 25 million people in the
20 receptive audience showing them a message five times. So it's
21 five times 25 million.

22 Q. Okay. And I'm sorry for interrupting.

23 A. Sure. So that's the total number of impressions you need
24 in your campaign, and then you would break it down by channel,
25 where they get their news. So, for example, on broadcast TV,

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Humphreys - Direct

1 about a third of your impressions would be on broadcast TV. So
2 that's 36 million impressions.

3 And then the last step is simply to look up the cost
4 of how much does it cost to buy an impression on that
5 particular source. So on broadcast television, the industry
6 standard is \$16 per thousand impressions. And so essentially
7 you do math across that row to come up with the cost, which is
8 about half a million dollars.

9 Q. What does it mean to buy an impression?

10 A. So it can vary by channel. To buy an impression on
11 broadcast TV would be a message that looks maybe a little bit
12 more like a traditional advertisement, again, on a trusted
13 source. *Fox News* might be an example.

14 If it's hiring an influencer, then you would create a
15 brief that tells them what you want them to say. They
16 sometimes give it their own spin, and then they post it to
17 their followers.

18 Q. What was the next step in your analysis?

19 A. The next step was simply to add up the cost for all the
20 channels for each different parameter, so for high and low
21 impressions and for showing a message one, three, or five
22 times.

23 Q. Why are there -- can you just explain why there are three
24 different ranges here?

25 A. Yes, of course. You might remember from the social media

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1 calculation, there's a high and a low impression. I would -- I
2 think the high impressions is more likely in this case. Then
3 you can choose to show the message either one, three, or five
4 times. I included one as a baseline here, but I think the more
5 appropriate cost would be either three or five times, so that's
6 between 7.2 and 12.1 million.

7 Q. I believe you just said this, but just so I'm clear, the
8 first row that says high impressions \$2.4 million and low
9 impressions \$2.07 million, do you think that that is a
10 reasonable estimate for how much it would cost to run a
11 reputation repair campaign in this case?

12 A. No, I think given the context, you know, I don't think
13 that's appropriate.

14 Q. What do you mean by that?

15 A. I mean that the attitudes at issue here are, from what I
16 saw on my impact analysis, strongly held, and they have been
17 repeated by a trusted source, so I don't think one time is
18 enough to change attitudes.

19 Q. They need to see a corrective message more than once?

20 A. I think so.

21 Q. Professor Humphreys, what was your ultimate conclusion as
22 to how Trump's statements that he made on June 21 and 22, 2019
23 affected Ms. Carroll's reputation?

24 A. So I first found that Mr. Trump's statements were seen
25 between the 85.8 million and 104 million times across different

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1 channels. I found that they did have an impact on
2 Ms. Carroll's reputation, particularly as a journalist, and
3 that between 21 million and 24.7 million of them were to a
4 receptive audience who likely believed them; that the cost to
5 repair that damage is between \$7.2 and \$12.1 million.

6 Q. We could take that slide down. Thank you.

7 You testified earlier that you have testified in
8 Ms. Carroll's related case against Donald Trump. When was
9 that?

10 A. That was last year.

11 Q. And that case involved a claim for defamation as well?

12 A. Yeah, it included one claim.

13 Q. What was the nature of your testimony in that case?

14 A. The nature of my testimony was similar. I looked at how
15 many impressions that one statement received. That was a
16 statement made after the statements I've covered here, and so I
17 calculated how many impressions it had, what reputational
18 damage did that particular statement do, and then I estimated a
19 cost to repair that damage.

20 Q. When was that statement made?

21 A. That statement was made in October of 2022.

22 Q. You can see on your screen Plaintiff's Exhibit 4. Is that
23 the statement that you're referring to?

24 A. Yes.

25 Q. In estimating the damages in that case, did you estimate

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1 how many receptive impressions there were of Donald Trump's
2 October 12, 2022 statements or, put another way, how many times
3 people who saw that statement likely believed it?

4 MR. MADAIIO: Objection.

5 A. Yes.

6 MR. MADAIIO: Your Honor --

7 THE COURT: Sustained as to form.

8 MR. MADAIIO: Your Honor, this is a statement that --

9 THE COURT: I just sustained your objection.

10 MR. MADAIIO: Thank you, your Honor.

11 Q. Did you estimate how many receptive impressions there were
12 of Donald Trump's October 2022 statement?

13 A. Yes.

14 MR. MADAIIO: Objection.

15 THE COURT: Overruled. She just said yes.

16 Q. What was that number?

17 MR. MADAIIO: Objection.

18 THE COURT: What's the relevance of this?

19 MS. CROWLEY: Your Honor, I can come back to this
20 depending what the cross is.

21 Q. What did the jury find with respect to whether Trump
22 defamed Ms. Carroll when he made this October 2022 statement?

23 MR. MADAIIO: Objection.

24 THE COURT: Sustained.

25 MS. CROWLEY: Your Honor, may I be heard briefly.

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Humphreys - Direct

1 THE COURT: I'll see you at the sidebar.

2 (Continued on next page)

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Humphreys - Direct

1 (At the sidebar)

2 THE COURT: Why is this appropriate?

3 MS. CROWLEY: Because, your Honor, they have argued
4 repeatedly in briefing and through their cross-examination of
5 Ms. Carroll that her reputation was repaired after the jury
6 verdict in this case. I believe that I'm entitled to ask this
7 expert why that is not true.

8 MR. MADAIIO: Your Honor, she is asking about the --
9 what the jury considered in coming up with the award in *Carroll*
10 *II*. It has nothing do with what happened to Ms. Carroll's
11 reputation after. These are the numbers that Dr. Hums
12 testified to to the jury in *Carroll II*. It's completely
13 irrelevant to her public reputation after.

14 MS. CROWLEY: I skipped those questions. All I'm
15 asking her now is whether the jury found, which has already
16 been established and instructed, whether the jury found that
17 Trump defamed her, and then I'm going to ask her whether she
18 believes that that repaired the damage that had been done to
19 Ms. Carroll's reputation.

20 MR. MADAIIO: It's nowhere in her report.

21 THE COURT: Sustained.

22 (Continued on next page)

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Humphreys - Direct

1 (In open court)

2 BY MS. CROWLEY:

3 Q. Professor Humphreys, are you familiar with the media
4 attention that Ms. Carroll received after the jury verdict last
5 May?

6 MR. MADAIIO: Objection.

7 THE COURT: I'll allow an answer to that question.

8 A. In general, yes.

9 Q. Are you familiar with the fact that Ms. Carroll herself
10 appeared on television a few times after the jury verdict?

11 MR. MADAIIO: Objection.

12 THE COURT: Ground.

13 MR. MADAIIO: The same discussion we just had at
14 sidebar.

15 THE COURT: Sustained.

16 Q. Professor Humphreys, you testified earlier to this briefly,
17 but, generally speaking, how is someone's reputation affected
18 when the same person keeps making the same negative claim about
19 them?

20 A. In general, repeated claims only strengthen people's
21 attitudes when they're made from a trusted source. When that
22 source is prominent, their statements are covered, circulated
23 very widely, and so a lot of people's attitudes would be
24 strengthened.

25 Q. Do you consider Donald Trump to be a prominent source?

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Humphreys - Direct

1 A. Yes.

2 MS. CROWLEY: May I have a moment, your Honor?

3 THE COURT: Yes.

4 MS. CROWLEY: Nothing further.

5 THE COURT: Thank you, Ms. Crowley. We'll adjourn for
6 lunch. Five minutes to 2:00, folks.

7 (Continued on next page)

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(Jury not present)

THE COURT: I'm informed counsel has an issue.

MS. KAPLAN: Your Honor, at the very end of Ms. Habba's examination of Ms. Carroll, the question that she asked -- your Honor sustained the objection, but the question she asked was about the dress. Was about the dress.

THE COURT: Uh-huh.

MS. KAPLAN: Ms. Habba knows very well that your Honor's orders, including your most recent order on January 9, preclude any questioning, any evidence about that at this trial, and we would just ask that the Court consider admonishing her to exclude, even if her questioning because it's potentially prejudicial, any of the items and topics your Honor has said are off limits.

THE COURT: The question that I remember being asked was how much she paid for the dress. Am I mistaken about that recollection?

MS. KAPLAN: I have to -- can we pull it up? The point is about whether she kept the dress.

MS. HABBA: No, I did not ask whether she kept the dress.

THE COURT: I don't believe she did.

MS. HABBA: I did not ask about DNA, which was part of your order, your Honor.

THE COURT: Of course, I understand that. When you're

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1 right, you're right, Ms. Habba. I mean, that's the fact.

2 MS. HABBA: Thank you.

3 THE COURT: Am I mistaken in my recollection?

4 MS. KAPLAN: I'm sorry, your Honor, I'm pulling it up.

5 No, it was about fact-checking, your Honor. And they,
6 in fact, checked and they found errors in your story, such as
7 years of the dress. She was talking about the *New York Times*
8 fact-checkers.

9 THE COURT: I'm sorry, years of the dress?

10 MS. KAPLAN: That's the way it was transcribed. She
11 was talking about New York Times fact-checkers. The question
12 was whether the *New York Times* fact-checkers found errors --

13 THE COURT: I see she did say that.

14 MS. KAPLAN: And I don't understand how that's not
15 precluded, your Honor.

16 THE COURT: And I sustained the objection.

17 MS. KAPLAN: I understand, but the jury hears the
18 question. She shouldn't even be asking the question.

19 MS. HABBA: Your Honor, your order was to DNA.

20 THE COURT: Of course it was.

21 Now I sustained the objection in part because of that,
22 in part only. But I sustained it, and we're not going to make
23 a mountain out of every molehill in this case.

24 MS. KAPLAN: Understood, your Honor.

25 (Luncheon recess)

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Humphreys - Cross

AFTERNOON SESSION

2:00 p.m.

(Jury not present)

THE DEPUTY CLERK: Would you like me to get the jury,
Judge?

THE COURT: Yes.

(Jury present)

The witness is still under oath.

Mr. Madaio.

CROSS-EXAMINATION

BY MR. MADAIIO:

Q. Good afternoon, Professor Humphreys.

A. Hi.

Q. You testified earlier that you were retained by
Ms. Carroll's counsel for this case, right, as an expert?

A. That's correct.

Q. And how much have you been paid to date?

You testified earlier as to your rates as well. How
much have you been paid to date on this case?

A. For this particular case?

Q. For this particular case.

A. I would say I'm paid \$510 an hour, I've put in about
100 hours, a little over, so that would be about \$50,000 over a
period of a year and half.

Q. OK. You were also retained in connection with the other

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Humphreys - Cross

1 trial, Carroll II, correct?

2 A. That's correct.

3 Q. And how much were you paid in total for that matter?

4 A. I don't know the number of hours in particular. It was the
5 same rate. I would say it was about \$20,000.

6 Q. OK. You testified earlier about your opinions in this case
7 and you have the two expert reports as well.

8 There is the original report and supplemental report,
9 right?

10 A. That's correct.

11 Q. And you stand by the opinions set forth in both of those
12 reports?

13 A. I do.

14 Q. OK. You testified earlier that your damages model, it
15 estimates the harm for president Trump's June 21 and June 22
16 statements, correct?

17 A. In my testimony today, yes, I did.

18 Q. And it's only for those two statements, right?

19 A. That's correct.

20 Q. And you use two models when you're assessing the harm,
21 right; there is the impressions model and impact model,
22 correct?

23 A. Um, I'm not quite sure what you mean. I use -- I assess
24 the impact and I call that the impact assessment.

25 For impressions I do use a model, yes.

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Humphreys - Cross

1 Q. Well, in your report you refer to them as impressions model
2 and impact model?

3 A. I might. I tend to think of it as the impact assessment.
4 I might sometimes refer to it as the impact model.

5 Q. OK. And the impressions model, as testified earlier, is
6 basically a way of identifying the sources which contain the
7 June 21 and June 22 statements and a total amount of views that
8 those statements received?

9 THE COURT: The question is compound.

10 Break it down, please.

11 Q. Sure.

12 So the impressions model is essentially a way of
13 showing the amount of views for everybody after those
14 statements, right?

15 A. The impressions model estimates or calculates the number of
16 impressions, yes.

17 Q. OK. An impressions model has several different sources,
18 there is television, social media, print articles, web
19 articles, right?

20 A. Yes.

21 Q. And all those media sources that you cite in your
22 impressions model, they discuss Ms. Carroll's accusations as
23 well as president Trump's denials, right?

24 MS. CROWLEY: Objection to form.

25 THE COURT: Sustained.

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Humphreys - Cross

1 Q. The sources cited in your impressions model, do they also
2 discuss Ms. Carroll's allegation?

3 MS. CROWLEY: Objection to form.

4 THE COURT: Sustained.

5 Q. When you included sources in your impressions model, did
6 you consider whether those sources also cited Ms. Carroll's
7 accusation?

8 MS. CROWLEY: Same objection.

9 THE COURT: Sustained.

10 I think the testimony was that the impressions model
11 included a number of, if memory serves, articles that were
12 cited in the complaint and that mentioned or quoted -- if I
13 remember correctly, but the witness will correct me if I'm
14 wrong -- quoted Mr. Trump's statement of the 21st or statement
15 of the 22nd

16 Is that accurate?

17 THE WITNESS: That's correct.

18 In some cases it was a direct quote. In other cases,
19 there may have been a direct paraphrase.

20 BY MR. MADAIO:

21 Q. In your analysis of the harm to Ms. Carroll's reputation,
22 did you consider at all whether the sources cited in your
23 impressions model also discussed Ms. Carroll's accusation
24 against Mr. Trump, president Trump?

25 A. So the question is did I consider?

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Humphreys - Cross

1 Q. Did you consider at all whether those sources also
2 discussed her accusation, or did you only look at his response?

3 MS. CROWLEY: Objection to form.

4 THE COURT: Sustained as to form. It's compound.

5 You can rephrase it.

6 Q. All right. Professor Humphreys, did you consider at all
7 whether those sources discussed Ms. Carroll's accusation?

8 A. No. My assignment in this case was to calculate the
9 impressions for the statement of Mr. Trump, so I did not, no.

10 Q. OK. So you didn't consider at all the fact that, you know,
11 a large portion of the article could have been dedicated to
12 discussing Ms. Carroll's accusation as opposed to president
13 Trump's denial?

14 MS. CROWLEY: Objection to form.

15 THE COURT: Sustained as to form.

16 Q. You didn't consider the prominence of president Trump's
17 denial in the articles and the sources cited in your
18 impressions report, did you?

19 A. No.

20 Q. So when you have written down a TV broadcast, for example,
21 did you look at the amount of time dedicated to discussing
22 president Trump's denial?

23 A. No.

24 Q. And would you agree that some, if not most, of the TV
25 broadcasts in your impressions model portray Ms. Carroll in a

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Humphreys - Cross

1 positive light?

2 MS. CROWLEY: Objection.

3 THE COURT: Sustained.

4 Q. Did you consider whether the TV broadcasts in your
5 impressions model portrayed Ms. Carroll in a positive light?

6 A. I did not consider that, no.

7 Q. Let me pose an example, a hypothetical for you.

8 If Don Lemon is on CNN talking about this story and he
9 spends ten minutes -- it's a ten-minute segment, he spends the
10 entire ten minutes talking about Ms. Carroll, portraying her in
11 a very positive light, you know, detailing all of the
12 accusations in her story, and at the very end says, by the way,
13 president Trump denies her accusation; that broadcast would be
14 considered as being harmful to Ms. Carroll's reputation in your
15 report, right?

16 MS. CROWLEY: Objection.

17 THE COURT: Sustained.

18 Q. I want to talk about your impact models.

19 So the impact model is meant to assess the people who
20 would have been receptive to president Trump's statements,
21 right?

22 A. Yes. That's one aspect of the impact assessment, yes.

23 Q. What other aspects are there?

24 A. I also conducted a qualitative analysis of her reputational
25 change.

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Humphreys - Cross

1 Q. OK. With respect to the people that you believe would have
2 been receptive to president Trump's statements, you're
3 essentially saying people would have believed him, right?

4 A. Those are the people that were receptive, that are likely
5 to have believed him or needed more information to make up
6 their mind.

7 Q. OK. And in your opinion, the people that would have been
8 likely to believe president Trump's denial are the people on
9 the political right or supporters of president Trump, right?

10 MS. CROWLEY: Objection to form.

11 THE COURT: Sustained as to form.

12 It's compound, among other things.

13 Q. So, in your opinion, the people who would have been likely
14 to support president Trump, would have been receptive to his
15 statements, those are the people who are essentially Trump
16 supporters, right?

17 MS. CROWLEY: Objection to form.

18 THE COURT: Sustained as to form.

19 (Counsel confer)

20 Q. So you're saying that Trump supporters are the people that
21 would have been likely to believe president Trump?

22 A. I used a calculation where I included the Republicans,
23 percent of Republicans for that periodical, and I discounted
24 that by the percent of Republicans who were likely to believe
25 Mr. Trump on accusations of sexual assault.

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Humphreys - Cross

1 Q. Do you think those same people would have been unlikely to
2 believe Ms. Carroll's initial accusation?

3 MS. CROWLEY: Objection.

4 THE COURT: What's the objection exactly?

5 MS. CROWLEY: Speculation and outside of her report.

6 THE COURT: Sustained.

7 MR. MADAIIO: Your Honor, can I respond on that?

8 THE COURT: Your model was constructed on the premise
9 that self-identifying -- that readers or viewers of an article
10 that paraphrased or quoted Mr. Trump's statements were more
11 likely to have believed Mr. Trump's statements about
12 Ms. Carroll than otherwise, without regard to what your
13 personal beliefs are, is that right?

14 THE WITNESS: My own personal beliefs you mean?

15 THE COURT: Yes.

16 THE WITNESS: Yes, of course.

17 THE COURT: OK. Let's go from there.

18 BY MR. MADAIIO:

19 Q. OK. And you agree that people have confirmation bias,
20 right?

21 A. Yes.

22 Sorry.

23 MS. CROWLEY: I just didn't hear the question.

24 Q. You believe that people have confirmation bias?

25 A. I believe confirmation bias can occur in many contexts,

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Humphreys - Cross

1 yes.

2 Q. OK. So you agree that people are less likely to believe
3 information that is inconsistent with their views, right?

4 A. People are likely to believe, more readily believe
5 information that conforms to their views.

6 Q. Right.

7 And do you also believe they are less likely to
8 believe information that does not conform to their views?

9 A. Confirmation bias doesn't speak necessarily to that aspect.

10 Q. I would like to pull up --

11 MR. MADAIIO: Nate, can you pull up Dr. Humphreys,
12 Professor Humphreys' October 14 report.

13 THE COURT: What exhibit, please?

14 MR. MADAIIO: I'm using it. I don't want to place it
15 as an exhibit, I just want to pull it up for the witness.

16 THE COURT: It's got to be an exhibit. That doesn't
17 mean it has to come into evidence. It has to be marked.

18 There is a reason for this. Sometimes people who lose
19 lawsuits appeal and the Court of Appeals has to know what was
20 being discussed. And the way they do that is that the piece of
21 paper gets marked as an exhibit so it can be identified without
22 doubt in the event of later proceedings. That is why these
23 rules exist, some of them.

24 MR. MADAIIO: I understand, your Honor. I misspoke. I
25 meant that I didn't want to enter it into evidence.

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Humphreys - Cross

1 MS. CROWLEY: Your Honor, perhaps we can help. We
2 have premarked the October 14 report as Plaintiff's Exhibit
3 202.

4 THE COURT: OK. Let's use that.

5 MR. MADAIIO: I would like to pull up Plaintiff's
6 Exhibit 202.

7 Nate, if you can put that to page --

8 MS. HABBA: We haven't received that yet.

9 MR. MADAIIO: We haven't received Exhibit 202 yet.

10 MS. HABBA: Just give her the report. Give her a
11 copy.

12 BY MR. MADAIIO:

13 Q. Professor Humphreys, can we --

14 MR. MADAIIO: Nate, can you put this to page 24.

15 Q. And, Professor Humphreys, do you recognize this document?

16 A. I do.

17 Q. Is this your expert report dated October 14, 2022?

18 A. It appears to be. If you have a paper copy, I prefer it.
19 I don't know.

20 Q. It's right here.

21 A. Thank you.

22 OK. I see it here.

23 Q. OK. So I want to go back to the question I asked you
24 earlier.

25 If you look at the second paragraph of the page about

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Humphreys - Cross

1 two sentences up, did you state: Due to confirmatory bias,
2 people are less likely to attend to information that confirms
3 or is congruent with their existing beliefs and ignore or
4 discount information that is counter to them?

5 MS. CROWLEY: Objection. That's not what it says.

6 MR. MADAIIO: Is there a misstatement in there?

7 THE COURT: That's the point she's making. I'm not
8 sure it's correct.

9 Let me just read it.

10 It is correct. You didn't read it correctly.

11 MR. MADAIIO: OK. The statement is, due to
12 confirmatory bias, people are less likely to attend to
13 information --

14 THE COURT: No. You just misread it again.

15 BY MR. MADAIIO:

16 Q. Due to confirmatory bias, people are likely to attend to
17 information that confirms or is congruent with their existing
18 beliefs and ignore or discount information that is counter to
19 them.

20 Is that what it says?

21 A. Yes, that's correct.

22 Q. OK. So do you still think that confirmation bias will not
23 make somebody less likely to believe something?

24 MS. CROWLEY: Objection to form.

25 THE COURT: What's wrong with the form?

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Humphreys - Cross

1 MS. CROWLEY: Also, your Honor, this statement is not
2 inconsistent with her testimony, so I'm not sure what this is
3 being offered for.

4 THE COURT: We'll let the jury decide that.

5 Answer the question, please.

6 A. I'm sorry. Could you repeat the question?

7 MR. MADAIIO: Your Honor, could we please have it read
8 back?

9 THE COURT: Yes. Would the court reporter please read
10 back Mr. Madaio's question.

11 (Record read)

12 A. It depends on what the something is. I mean, I could just
13 say what I believe.

14 Confirmatory bias means that when exposed to a piece
15 of information, they are more likely to pay attention to it if
16 it's consistent with their existing beliefs. They may ignore
17 it or not attend to it if it is inconsistent.

18 Q. So do you think that Trump supporters would have already
19 believed that Ms. Carroll was a liar when she first made her
20 allegation against president Trump?

21 MS. CROWLEY: Objection.

22 THE COURT: And the ground is?

23 MS. CROWLEY: Outside the report and speculation.

24 THE COURT: Sustained.

25 BY MR. MADAIIO:

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Humphreys - Cross

1 Q. Did you consider in your analysis whether Trump supporters
2 would have believed Ms. Carroll's initial accusation when
3 drafting your report?

4 A. No. My assignment here was to assess whether the readers
5 would have believed Mr. Trump.

6 Q. Did you think it was relevant whether Trump supporters
7 would have believed Ms. Carroll's accusation as to whether her
8 reputation was actually harmed with those same individuals?

9 A. Here, I was focused on is the reader likely to believe
10 Mr. Trump. Those were the statements that I was studying in
11 this case.

12 Q. But if they already had an opinion formed on the subject
13 and they already didn't believe Ms. Carroll, would president
14 Trump's statement had any effect on their opinion?

15 MS. CROWLEY: Objection to form.

16 THE COURT: Sustained as to the form.

17 Q. Would president Trump's denial of Ms. Carroll's allegation
18 have any effect on these individual's belief if they already
19 did not believe Ms. Carroll?

20 MS. CROWLEY: Objection to form, and it calls for
21 speculation.

22 THE COURT: Sustained, form.

23 Q. So essentially the conclusion in your report is that Trump
24 supporters believed president Trump and that non-Trump
25 supporters believed Ms. Carroll, is that right?

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Humphreys - Cross

1 MS. CROWLEY: Objection, misstates testimony.

2 THE COURT: Sustained.

3 Q. Professor Humphreys, you also testified earlier one of the
4 ways to assess the harm to a person's reputation is to look at
5 changes in the associations with their brand, is that right?

6 A. Yes.

7 Q. In this case, it's your opinion that there was a
8 significant shift in the association with Ms. Carroll's brand
9 in June 2019, correct?

10 A. That's correct.

11 Q. And specifically you believe that associations looking at
12 her brand shifted from her role as an advice columnist to her
13 association with president Trump, right?

14 A. That's what I --

15 Oh, sorry. That's what I found in my impact analysis,
16 yes.

17 Q. OK. And you're aware that Ms. Carroll publicly accused
18 president Trump of sexually assaulting her in June 2019, right?

19 A. Correct.

20 Q. You're aware she first made these allegations through a
21 New York Magazine which featured her on the cover, right?

22 A. Yes, I am.

23 Q. And you're aware that president Trump never spoke about
24 Ms. Carroll until after this article came out, right?

25 A. I actually am not aware if president Trump spoke about

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1 Ms. Carroll prior to that.

2 Q. Well, did you look at all at the timing between when the
3 article came out and when president Trump responded?

4 A. I did not.

5 Q. That wasn't considered at all in your analysis?

6 A. I believe those were on the same day.

7 Q. Well, do you believe at least some of the shift in
8 Ms. Carroll's brand was attributable to Ms. Carroll's initial
9 accusation, as opposed to president Trump's subsequent denial?

10 MS. CROWLEY: Objection to form.

11 THE COURT: What's the objection as to form?

12 MS. CROWLEY: I think it's compound.

13 THE COURT: Overruled.

14 A. I'm sorry. Would you mind asking it again?

15 MR. MADAIIO: Your Honor, could we please have a
16 readback?

17 THE COURT: Please have a readback.

18 (Record read)

19 A. To her brand, no, I don't.

20 Q. OK. I would like to turn to page 43 of your report, your
21 October 14 report.

22 THE COURT: Plaintiff's Exhibit 202.

23 MR. MADAIIO: That's right, Plaintiff's Exhibit 202.

24 Q. On page 43 you state: While some shift was attributable to
25 the publication of her memoir and New York Magazine piece, in

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1 which she detailed the alleged encounter with Mr. Trump, that
2 refers to the shift in Ms. Carroll's accusation -- I'm sorry --
3 Ms. Carroll's brand after her accusation was published in The
4 Cut.

5 So would you like to change your answer?

6 MS. CROWLEY: Objection.

7 Q. Do you still believe that none of this shift was
8 attributable to The Cut article?

9 A. So maybe it would help if I just clarify.

10 So what I'm referring to here are the semantic
11 associations that you can see in figures eight and nine, and
12 not Ms. Carroll's brand in particular. It's the semantic
13 associations, and as you can see in figures eight and nine, the
14 word Trump appears.

15 Q. So what's the difference between the semantic associations
16 in Ms. Carroll's broader brand?

17 A. So her brand here is based on her reputation as a
18 journalist, as being truthful. I would consider that her
19 brand. There might be other associations with her name, but
20 what I mean by her brand is the fact that she's a journalist
21 whose reporting is based on facts.

22 Q. And so what are the semantic associations?

23 A. Those are what you would find in figures eight and nine.

24 Q. Can you define what those are in terms of your analysis?

25 A. Yes. So let me just find them here. One moment.

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Humphreys - Cross

1 So if someone has a page number for figure -- page 44.

2 Q. Page 44, I believe.

3 A. Right. Um, so I believe -- so I believe these are from
4 news articles about Ms. Carroll. And what you see in figure
5 eight is the word cloud from news articles about Ms. Carroll
6 from Mr. June 2019, and what you see in figure nine is the word
7 cloud of words that you see in news articles about Ms. Carroll
8 after June 2019.

9 THE COURT: Please tell the jury what you mean by word
10 cloud.

11 THE WITNESS: Of course.

12 So what you see on the screen here, it's the words
13 that occurred in the news articles and the size. The bigger
14 the word, the more common it was. So the big words occur more
15 frequently.

16 Q. So this word cloud is intended to show the shift in
17 Ms. Carroll's reputation, right?

18 A. That's one purpose of this, yes.

19 Q. And that shift was that it associated her brand with
20 becoming a liar in connection with president Trump's
21 statements?

22 A. That's one thing that this word cloud can represent, yes.

23 Q. What else does it represent?

24 A. You know, it's all the words that were about her.

25 So, for example, if she's associated with a prominent

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1 person, then the articles also mention that prominent person.
2 So as you see in figure nine, Trump appears to be large, but,
3 um, it's associated now with Ms. Carroll's name.

4 Q. I would like to pull up the word cloud.

5 Well, let me ask you this. Would it be helpful for
6 the jury to better understand your opinion and your analysis if
7 I pulled up the word cloud for them to see as a demonstrative?

8 A. I didn't realize they couldn't see it.

9 Um, sure.

10 MR. MADAIIO: All right. Nate, can we pull it up.
11 Your Honor, would it be OK to publicize?

12 THE COURT: No. It's not in evidence.

13 Do you want to offer it in evidence?

14 MR. MADAIIO: I don't want to offer the entire report.
15 I can offer just this page as a demonstrative.

16 THE COURT: Is that what you would like to do?

17 MR. MADAIIO: That's what I would like to do, your
18 Honor.

19 THE COURT: So is there any objection to that?

20 MS. CROWLEY: No objection, as long as she's allowed
21 to explain the dates and what the word cloud, how the word
22 cloud fits into her larger report.

23 THE COURT: Whether he asks or not, you're certainly
24 going to be entitled to ask.

25 MS. CROWLEY: That's fair, your Honor.

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1 No objection.

2 THE COURT: All right. Figures eight and nine on
3 page 44 of plaintiff's Exhibit 202 are received and may be
4 published.

5 (Plaintiff's Exhibit 202 - figures eight and nine on
6 page 44 received in evidence)

7 BY MR. MADAIIO:

8 Q. OK. Again, just to reiterate, these two charts, figure
9 eight is before, the associations with Ms. Carroll's brand
10 before 2019, is that correct?

11 A. Yes. So just to be clear, what you see here from this word
12 cloud, it's a component of my impact analysis. They are
13 associations only from the news articles. So it's not
14 associations in any of the other material I looked at, social
15 media, other material, TV, any of those materials.

16 Q. How many of these articles did you look at in connection
17 with figure eight?

18 A. Um, you know, I don't recall. I could consult my report,
19 if you want.

20 Q. Sure. If you would like to consult your report.

21 A. Sure.

22 So I believe I read a sampling of these articles.

23 Q. OK. And how many articles?

24 A. That's what I was trying to find.

25 You know, I don't see it in the impact assessment

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1 section. I could go and look further, if you would like.

2 Q. Do you recall?

3 A. How many articles there were in this particular?

4 Q. How many you reviewed.

5 Did you review any articles?

6 A. Of course.

7 Q. Do you know how many?

8 A. You know, right now in the report I can't find the
9 particular number. I can tell you they came from a ProQuest
10 search of E. Jean Carroll for the before-and-after analysis.

11 MR. MADAIIO: And can we move to figure eight, Nate.
12 I'm sorry, figure nine.

13 Q. So these are the associations with Ms. Carroll's brand
14 after June 2019, correct?

15 A. No.

16 Q. So what is this word chart show?

17 A. These are the most common words in news articles that
18 contain E. Jean Carroll.

19 Q. OK. And you believe that this shows a connection, this
20 word chart shows a connection between president Trump's
21 statements and the shift in Ms. Carroll's brand, right?

22 MS. CROWLEY: Objection, misstates testimony.

23 THE COURT: Sustained.

24 Q. Do you state in your report that this chart illustrates
25 that Mr. Trump's response in not Ms. Carroll's initial

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1 resulted in the escalating attention she received and played a
2 considerable role in shifting the nature and balance of
3 associations with her name on page 43 of the last sentence?

4 A. I'm sorry. Can you point me to that?

5 Q. Sure.

6 The last sentence of the entire sentence I'll read.
7 While some shift was attributable to the publication of her
8 memoir and New York Magazine piece, in which she detailed the
9 alleged encounter with Mr. Trump, an analysis of Google search
10 data in subsection three below illustrates that Mr. Trump's
11 response and not her initial claim resulted in the escalating
12 attention that she received and played a considerable role in
13 shifting the nature and balance of associations with her name.

14 A. I'm really sorry.

15 Could you tell me the page? Was it not page 40?

16 Q. Page 43.

17 A. Oh, 43.

18 MS. CROWLEY: Objection, your Honor. The statement
19 that he just read is not inconsistent with her testimony. It
20 doesn't relate to the word cloud. It's referencing another
21 section of the report.

22 THE COURT: Overruled.

23 A. I'm sorry. Could you repeat the question?

24 About this sentence?

25 Q. You just stated previously that you don't necessarily

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1 believe that the word cloud connects president Trump's
2 statement and the shift in Ms. Carroll's brand, is that
3 correct?

4 A. So maybe it's just easier if I say.

5 So the word cloud shows you the semantic associations,
6 the other words that occur in the news alongside Ms. Carroll's
7 name, but it doesn't necessarily reflect her brand.

8 Q. Right. But my question is, are you relying on this word
9 cloud to support your opinion that the harm to Ms. Carroll's
10 reputation was connected to president Trump's June 21 and
11 June 22 statements?

12 A. It's one piece of a much larger impact analysis.

13 Q. OK. Well, you state in your report that it is one of the
14 reasons that you rely on, right?

15 A. It is something that I rely on, yes.

16 Q. OK. And, again, that shift in her brand was that it
17 made -- it introduced the association of Ms. Carroll being
18 considered a liar to the public, right?

19 MS. CROWLEY: Objection to form.

20 THE COURT: I'll let the witness answer.

21 Overruled.

22 A. I'm sorry. Could you ask again for read back?

23 MR. MADAIIO: Your Honor, could we please have a read
24 back?

25 THE COURT: Please.

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1 (Record read)

2 A. I'm sorry. I don't understand it.

3 Would you mind asking the question again?

4 Q. Sure. So it's essentially your opinion that president
5 Trump's statements, the main harm that Ms. Carroll's brand
6 suffered was that it caused people to think of her as a liar?

7 A. Yes. After Mr. Trump's statement, people spoke about
8 Ms. Carroll as a liar, yes.

9 Q. OK. Could you identify to me in figure nine where the word
10 lied is?

11 A. Lying occurs. I can point you to that.

12 Q. Sure. Can you point me to where that is?

13 A. It's right under the R in Trump.

14 Q. That's very small spared compared to the rest of the words
15 on here, would you agree?

16 A. What do you mean by small?

17 Q. Let me ask you. The size of the words on here is meant to
18 show the prominence and how often they are searched, correct?

19 THE COURT: And how often they are searched?

20 MR. MADAIIO: And how often -- sorry.

21 Q. And how often they are stated in news articles?

22 A. Yes, that's correct.

23 Q. OK. So the smaller the word, the less prominent it is
24 featured, the less frequently it's featured in news articles?

25 A. Yes, in these news articles. That's right.

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1 Q. OK. Do you see any other word on here that you think
2 connects to the association with Ms. Carroll being considered a
3 liar?

4 A. There are other words on here that are associated with
5 Mr. Trump's statements, yes.

6 Q. But specifically about her being a liar?

7 A. There are other words that are defamatory statements, that
8 are associated with defamatory statements in here.

9 Q. What words are those?

10 A. A word like money, for instance.

11 MS. HABBA: Defamatory.

12 Q. And where do you see money?

13 A. It is right above the T in Trump.

14 MR. MADAIIO: OK. Can we highlight that, please.

15 Q. OK. But you would agree that the vast majority of words on
16 here have nothing to do with Ms. Carroll being a liar, right?

17 A. Um, what do you mean by the vast majority?

18 Q. Unless you can point me to any other words on here having a
19 connection to her being a liar, it appears to me the vast
20 majority have nothing to do with her being a liar whatsoever?

21 MS. CROWLEY: Objection.

22 THE COURT: Sustained.

23 It doesn't matter how it appears to you, sir.

24 Q. Would you agree many of the words on here are connected to
25 Ms. Carroll's lawsuits?

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1 A. That's correct. These are news articles that report mostly
2 on those facts, yes.

3 Q. And Ms. Carroll's a plaintiff in this action, right?

4 A. Yes.

5 Q. And that means that she chose to commence the action?

6 MS. CROWLEY: Objection.

7 THE COURT: Sustained.

8 Q. You also testified earlier and plaintiff's counsel pulled
9 up earlier a Google trends chart which you claim also supports
10 the shift in reputation which you claim is attributable to
11 president Trump, to Ms. Carroll's reputation.

12 MS. CROWLEY: Objection, misstates testimony.

13 THE COURT: It's not even a question.

14 MR. MADAIIO: I'm sorry. I'm getting there.

15 Apologies, your Honor.

16 Nate, can we pull up the figure ten.

17 Your Honor, this is figure ten from Professor
18 Humphreys' chart, Professor Humphreys' report. It's page 47.
19 I would also like to publish this for the jury as a
20 demonstrative.

21 THE COURT: Are you offering it?

22 MR. MADAIIO: Not as evidence, only as a demonstrative.
23 I could also refer to plaintiff had this up earlier in their
24 demonstrative. I just don't think we've been provided with the
25 demonstrative that we're able to pull it up.

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1 So for the ease of being able to show it to the
2 jury --

3 THE COURT: You've had this report for almost a year
4 and a half, right?

5 MR. MADAIO: We can pull it up right now, your Honor.
6 I just don't want to admit it into evidence. I would like to
7 use it as a demonstrative.

8 THE COURT: Is there an objection or not?

9 MS. CROWLEY: Your Honor, it was in our demonstrative.
10 We're happy to show it from there.

11 THE COURT: OK. We're going to mark it --

12 MR. MADAIO: I just don't think it's been provided to
13 us.

14 THE COURT: Excuse me.

15 This is figure ten on page 47 of exhibit, Plaintiff's
16 Exhibit 202 for identification.

17 All right. You may display it.

18 MR. MADAIO: OK.

19 BY MR. MADAIO:

20 Q. OK. In this Google trends chart, this shows the relative
21 search interest for Ms. Carroll in and around the date of her
22 accusation.

23 Well, it's in and around, you know, June 2019, right?

24 A. That's correct.

25 Q. OK. June 21, that was when Ms. Carroll first publicly made

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1 her accusation against president Trump, right?

2 A. Yes.

3 Q. And we can see the search interest on June 21 is about 55
4 on your chart, is that right?

5 A. I think that's fair, yeah.

6 Q. And then on June 22 it jumped to approximately 94, correct?

7 A. That's right. It was 94 in my analysis.

8 Q. OK. And is it your position that this jump to 94 is
9 attributable solely to president Trump's June 22 statement?

10 A. No.

11 Q. So you agree that some of that increase in attention is due
12 to Ms. Carroll's -- the attention that Ms. Carroll's accusation
13 was receiving at the time?

14 A. I could tell you about the temporal order of this.

15 Mr. Trump and Ms. Carroll made their statements on the
16 same day, and here we have this only by day, and so it's not
17 possible with this particular data to disentangle those two
18 things in this chart.

19 Q. So you can't differentiate what attention was due to
20 president Trump's statements as opposed to Ms. Carroll's
21 accusation, right?

22 A. This chart cannot do that.

23 Q. We see another spike on June 25 with a 100 relative search
24 volume, right?

25 A. That's correct.

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1 Q. And what do you attribute that spike to?

2 A. I can tell you that Mr. Trump made a statement on June 21st
3 and June 22nd and then again on June 24th, and there is a third
4 spike on June 25th.

5 Q. OK. Are you aware that Ms. Carroll also had two CNN
6 interviews on June 24?

7 A. I am aware that she did interviews around that time. I did
8 not actually analyze when she did her interviews in reference
9 to this chart.

10 Q. OK. Two of those are referenced in your original report.

11 There is an interview she did with Alisyn Camerota,
12 which according to your report garnered --

13 THE COURT: We're now reading from the report that you
14 don't want to put into evidence. Is that what we're doing?

15 MR. MADAIIO: I'm simply asking her the contents of her
16 report.

17 THE COURT: Well, you're reading the report, right?

18 MR. MADAIIO: No, I'm just --

19 No. Sorry, your Honor.

20 Q. I'm saying, the first interview was with Alisyn Camerota.
21 It was a CNN interview on June 24 and it garnered 460,000
22 views, is that right?

23 MS. CROWLEY: Objection.

24 THE COURT: What's the objection?

25 MS. CROWLEY: I think he's reading from the report.

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Humphreys - Cross

1 MR. MADAIIO: I'm asking the witness a question, your
2 Honor.

3 THE COURT: Do you know the answer to the question?

4 THE WITNESS: Not without consulting my report.

5 THE COURT: I'm sorry?

6 THE WITNESS: I'm sorry. Not without consulting my
7 report. I need to check it.

8 BY MR. MADAIIO:

9 Q. Professor Humphreys, could I refresh your recollection with
10 the impressions model on your report. Can we turn to --

11 MR. MADAIIO: Nate, page 109 of the report, only for
12 Professor Humphreys.

13 Q. If you look at T30, it's identified in your report.

14 A. Yes, I see that.

15 Q. That's New Day with Alisyn Camerota and John Berman.

16 You have the ratings estimate as 460,000 in your
17 report, is that correct?

18 A. Yes, I see that.

19 Q. OK. And then if you look at T32, that's Anderson Cooper
20 360, June 24, and the ratings estimate is 877,000, is that
21 correct?

22 MS. CROWLEY: Objection, your Honor. This is not in
23 the supplement report. There was briefing on this over the
24 weekend.

25 MR. MADAIIO: Your Honor, this is in the supplemental

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1 report.

2 THE COURT: Really?

3 I think we'll send the jury out for a few minutes.

4 THE DEPUTY CLERK: Would the jury please come this way
5 and bring your notebooks with you.

6 THE COURT: Professor, you should wait for us outside
7 the courtroom.

8 THE WITNESS: Sure.

9 (Witness temporarily excused)

10 (Continued on next page)

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Humphreys - Cross

1 (Jury not present)

2 THE COURT: OK. I very much --

3 MS. HABBA: Your Honor, the witness is still here.

4 THE COURT: The witness is not still here.

5 MS. HABBA: She just walked over here.

6 THE COURT: The witness was in the anteroom out the
7 door when you stood up.

8 I'm very aware of the briefing over the weekend and
9 I've ruled on it. So what's your point, counsel?

10 MR. MADAIIO: Your Honor, actually, I wasn't, at least
11 at this time, I wasn't going to go into the substance of that
12 appearance. I was only discussing it with respect to the
13 amount of views that it garnered, strictly as it ties to the
14 figure ten in the spike in interest.

15 THE COURT: Is figure ten in the supplemental report?

16 MR. MADAIIO: No, but it's still part of Dr. Humphreys'
17 analysis that carries over from the initial report.

18 THE COURT: I don't know that.

19 MS. CROWLEY: Your Honor, figure ten is not in the
20 supplemental report.

21 MR. MADAIIO: They introduced it as -- they showed it
22 to the jury already. Of course it's part of the report.

23 MS. CROWLEY: Your Honor.

24 THE COURT: The fact that they showed it to the jury
25 doesn't mean it's part of her report. I don't know what

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Humphreys - Cross

1 happened.

2 But what I do know is that, in the course of the
3 weekend, you folks submitted papers that said the following, as
4 I remember, and I may make an error in this because I'm only
5 human.

6 But you asked for a supplemental report some time ago
7 that removed from the analysis that was in the original report
8 impact attributable to the Anderson Cooper June 24 -- I believe
9 it was a June 24 -- program because the plaintiff had dropped
10 any claim for damages based on Mr. Trump's June 24 statement.

11 Do we agree so far?

12 MR. MADAIIO: Yes.

13 I think you may have said Anderson Cooper, June 24.
14 It was the June 24 statement that was removed. We agree with
15 that.

16 THE COURT: Yes, but what you wanted --

17 Yes. You're right. The June 24th.

18 Then you've got a supplemental report in which the
19 witness -- certainly the counsel said that the views
20 attributable to the Anderson Cooper program on June 24th had
21 been eliminated -- and that in any event, the witness was not
22 going to offer any opinion based on any data attributable to
23 the viewing of the Anderson Cooper program on June 24.

24 Right?

25 MR. MADAIIO: Your Honor, I just want to clarify, the

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1 purpose of the supplemental report was to remove president
2 Trump's June 24 statement, not the Anderson Cooper June 24 --

3 THE COURT: You corrected me once before and I
4 restated, and I restated I believe correctly.

5 In any case, are we right so far?

6 MR. MADAIIO: As long as we're clear that president
7 Trump's June 24 statement was removed, the purpose of the
8 supplemental report was to remove the June 24 statement.

9 THE COURT: That is correct.

10 And then you were provided with the supplemental
11 report. Yes?

12 MR. MADAIIO: Yes.

13 THE COURT: And then you claimed, I think in
14 substance, that the data relating to the Anderson Cooper
15 program, which the plaintiff said had been removed from the
16 report, in fact had not been removed from the report.

17 Right?

18 MR. MADAIIO: Yes, your Honor.

19 THE COURT: And then the plaintiff came back and said,
20 yes, it had. And you're confused because there had been a
21 re-numbering of certain data points that had been in the
22 original report that meant that when you claimed that the
23 Anderson Cooper data had not been removed, you were talking
24 about something else entirely, and in the mistaken belief that
25 it was data that related to Anderson Cooper.

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Humphreys - Cross

1 Just stay with me. Right so far?

2 MR. MADAIIO: That's correct. There is additional
3 information. We've had conversations --

4 THE COURT: Just work with me. That's what you said.

5 And then I issued an order in which I said there
6 appeared to be confusion between the plaintiff and the
7 defendant about what data had been removed or not, and that if
8 it hadn't been resolved by the time of trial, it appeared to me
9 that it was irrelevant anyway because the plaintiff represented
10 that nothing would be offered that included views attributable
11 to the June 24 statement.

12 Right? Is that about right?

13 MR. MADAIIO: That's right.

14 THE COURT: OK. So what are we talking about?

15 MR. MADAIIO: So, your Honor, we're not intending to
16 discuss the June 24 appearance for that purpose.

17 Again, the line of questioning now is only relating to
18 showing the amount of views that it garnered. Again, tying it
19 back to the chart where there is a spike showing on June 24
20 that there was increased search interest for E. Jean Carroll of
21 which, in Professor Humphreys' report, she claims is due to the
22 June 24 statement by president Trump, but it disregards the
23 fact that there was a June 24 appearance by Ms. Carroll that,
24 according to her own report, garnered a significant amount of
25 attention.

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Humphreys - Cross

1 Increased search interest.

2 THE COURT: I hear you.

3 Ms. Crowley, what do you say to that?

4 MS. CROWLEY: Your Honor, I believe that the witness
5 testified on direct, and then was about to on cross, that she
6 wasn't attributing any of the increased Google search or Google
7 traffic information to any of the statements. She was merely
8 laying out sequentially what has happened. And the reason that
9 we -- she certainly wasn't --

10 As your Honor said, she very clearly removed the
11 Anderson Cooper interview when she was doing the supplemental
12 report. The reason that we questioned her in direct about that
13 chart that shows the Google spike was because, after conferring
14 with defense counsel, we understood that they were going to go
15 into whether she had properly removed the June 24 statement in
16 her analysis, and we wanted to confront the fact that there
17 was this chart, and she at one point had considered the June 24
18 statement when looking at Google search data.

19 THE COURT: So your position at this point is simply
20 that figure ten lays out the chronology that the data, there is
21 no data in the impact calculation, and the damage argument that
22 flows from any articles or impressions that reflected only the
23 June 24 statement. Yes?

24 MS. CROWLEY: That's absolutely correct, your Honor.

25 THE COURT: And Mr. Madaio's point is that in the

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Humphreys - Cross

1 Google chart, figure ten, there was the Anderson Cooper
2 broadcast, which was excluded from the data in the damages
3 assessment, and he's offering that as an alternative
4 explanation -- I'm stating it too broadly.

5 His point is that the fact that that second spike
6 happened, could be attributable to something in relevant part
7 that is not included in this calculation at all, is that right?

8 MS. CROWLEY: I think so, your Honor.

9 Just to be clear, though, there is nothing in the
10 Google chart that relates to the Anderson Cooper video. It's
11 just a sequential, Ms. Carroll's allegation, the June 21
12 statement, spike in increase, the June 22 --

13 THE COURT: But I think his point is, if I understand
14 him correctly, that Anderson Cooper went on TV on June 24, he
15 was seen by however many people watch Anderson Cooper, and that
16 fact may well have contributed to the spike in Google searches
17 on E. Jean Carroll on June 24, 25.

18 Right, Mr. Madaio?

19 MR. MADAIIO: Yes, your Honor.

20 And if it helps, because this is some something that I
21 was planning on going into, you can also look at figure 11
22 which shows the related queries around that same time. And if
23 you look at -- it's, you know, essentially variations on
24 E. Jean Carroll's name and Donald Trump's name. And then you
25 can also see Anderson Cooper, you know, those four or five

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1 results is essentially the only search result in there.

2 So the two charts show that was a major search
3 interest among the public. It does connect, because she is
4 trying to shows these charts as the reason why she can connect,
5 you know, the shift in reputation, in her reputation to
6 president Trump's statements. But there were other causes
7 here.

8 MS. CROWLEY: I don't think that was her testimony.

9 THE COURT: Just let me look.

10 MS. CROWLEY: I apologize.

11 (Pause)

12 THE COURT: Well, I don't see how figure 11 gives you
13 any support at all because the relative value on queries on
14 Jean Carroll being 100, queries that were related to Anderson
15 Cooper was two.

16 MR. MADAIIO: Well, there is three -- it's referenced
17 three different times.

18 THE COURT: OK. You're right about that. They add up
19 to five.

20 MR. MADAIIO: Right. But it's the only other topic in
21 there, not some variation. I mean, the largest topic in there
22 that is not some variation of Carroll or Trump. Most of the
23 search is either Carroll or Trump or some variation of the
24 names.

25 THE COURT: Well, that's for sure.

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Humphreys - Cross

1 MR. MADAIIO: I mean, it makes sense that would be the
2 largest search results, but when you filter it down --

3 THE COURT: By comparison, Anderson Cooper is on the
4 verge of negligible.

5 MS. CROWLEY: Your Honor, perhaps I can speed this
6 along.

7 I don't have a problem with Mr. Madaio asking
8 Dr. Humphreys whether she's aware that Ms. Carroll appeared on
9 CNN after her allegation and whether she thinks that that
10 contributed to the reputational damage that she suffered.

11 I very strongly do not want there to be a suggestion
12 that the Anderson Cooper program or the Alisyn Camerota
13 broadcast were included in her damages assessment, because that
14 is not the case. That is what we briefed over the weekend.

15 I also would object -- I don't know if he's going
16 here -- but to showing this chart to the jury because --

17 THE COURT: Which chart?

18 MS. CROWLEY: Figure 11, I'm sorry.

19 -- because it contains references to DNA and the dress
20 and other topics that are clearly out of bounds.

21 THE COURT: What do you say to that, Mr. Madaio?

22 MR. MADAIIO: I would like to show the chart. I mean,
23 we can --

24 THE COURT: Which chart, please?

25 MR. MADAIIO: Figure 11.

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Humphreys - Cross

1 THE COURT: OK. I know you would like to.

2 What about that as a resolution?

3 MR. MADAIIO: We can redact. I believe we can redact
4 any references that -- we only want to show the Anderson Cooper
5 on there. We can redact any references that plaintiff's
6 counsel has an issue with.

7 MS. CROWLEY: But that would be misleading. You're
8 redacting that there were other searches that related to what
9 Trump was saying about Ms. Carroll at the time.

10 THE COURT: That's true.

11 Look, I will let you make the point you want to make
12 if you can do it about figure ten.

13 And if you want to use figure ten, I think we have it
14 up already, right?

15 MR. MADAIIO: Yes.

16 THE COURT: That's fine.

17 But I think Ms. Crowley is right on figure 11 --

18 MR. MADAIIO: OK.

19 THE COURT: -- for two reasons. The one she gives and
20 the one that immediately left off the page at me, which is that
21 there is almost no reference to Anderson Cooper. Not
22 literally, but relatively.

23 MR. MADAIIO: Your Honor, there is one other point,
24 because this may become relevant later.

25 THE COURT: OK.

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Humphreys - Cross

1 MR. MADAIIO: In terms of the Anderson Cooper
2 appearance, we had discussions with counsel in terms of whether
3 or not it's included. They seem to think there was some error,
4 I guess, in the supplemental report that the T32 that is
5 referenced in the supplemental report is the Anderson Cooper
6 video, and it does match up with the numbers on the initial
7 report as the T32 there.

8 I think there may be some sort of confusion in how it
9 was carried over from the reports or misidentified or
10 something. It's not clear that it's not included in the
11 report.

12 THE COURT: Well, look, here is what I said days ago
13 now, that there is obviously confusion. One or both of you is
14 wrong or confused, or maybe both of you, I don't know. But
15 we're sure not going to have a trial about that.

16 And you ought to be able to work it out. There are
17 footnotes referencing everything in both reports. One of the
18 problems is that in the supplemental report there is no
19 counterpart of what was Exhibit F or appendix F to the original
20 report, which makes this a little difficult to get at.

21 And despite the fact that my law clerks and I spent
22 hours trying to audit this, in effect, and figure out who is
23 confused, if anybody, we're not there because we don't have all
24 the data.

25 So what I said is, if you have doubts about whether

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Humphreys - Cross

1 she eliminated the data, you can ask her, and you'll get your
2 answer.

3 MR. MADAIO: Understood.

4 THE COURT: OK. Now we'll extend the break by another
5 ten minutes so that we get a break.

6 (Recess)

7 MS. CROWLEY: Judge, Mr. Madaio informed me that he
8 has quite a bit more of his cross to do and that it might take
9 us until after 4:30.

10 Dr. Humphreys lives in Chicago and she has a newborn
11 child, in addition to two other kids under five. So if the
12 court would be amenable to it, we would be fine with staying
13 later than 4:30 to get her done so she can go home to her kids
14 and not have to stay here over the weekend or come back on
15 Monday.

16 THE COURT: What about you, Mr. Madaio?

17 MR. MADAIO: We are OK with going extra, as long as we
18 have to get through what we have to get through. If it ends up
19 going too long, we have to wait until Monday. Staying later
20 today, we have no issue with that.

21 THE COURT: We have to see about the jury.

22 What about the jury?

23 THE DEPUTY CLERK: I'll have to ask them, Judge.

24 THE COURT: Go ahead and talk to them. Maybe we can
25 do this a lot more efficiently.

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Humphreys - Cross

1 MR. MADAIIO: Yes, your Honor.

2 (Pause)

3 THE DEPUTY CLERK: Jury is fine with it.

4 THE COURT: The jury is good with it.

5 THE DEPUTY CLERK: I'll bring in the jury.

6 MS. CROWLEY: Thank you, Judge.

7 (Continued on next page)

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Humphreys - Cross

(Jury present)

THE COURT: The witness is still under oath. Let's continue.

BY MR. MADAIIO: (Continued)

Q. Professor Humphreys, you stated earlier that your report also contains a qualitative analysis in it as well, correct?

A. That's correct.

Q. And in the qualitative analysis, you discuss a number of social media comments that were directed at Ms. Carroll, correct?

A. I analyzed social media comments that occurred underneath the news articles, for example.

Q. Okay. And they are either aimed at or discussing Ms. Carroll generally, right?

A. Many of them do discuss Ms. Carroll. They occurred because they were underneath the news articles, for example.

Q. Okay. Nate, if we could pull up Professor Humphreys' October 14 report, page 52. It's figure 12. Just for Professor Humphreys right now.

And, Professor Humphreys, do you recognize this figure 12?

A. Yes, I do.

Q. And that's contained in your October 14, 22 report, right?

A. Yes.

MR. MADAIIO: I'd like to enter this page only into

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Humphreys - Cross

1 evidence.

2 MS. CROWLEY: No objection. The figures on the page.

3 THE COURT: All right. Figure 12 of Plaintiff's 202
4 is received.

5 (Plaintiff's Exhibit 202 figure 12 received in
6 evidence)

7 Q. Professor Humphreys, you rely on these comments as proof
8 that Ms. Carroll's reputation has been damaged from president
9 Trump's statements, right?

10 A. Yes, it's one part of my impact analysis.

11 Q. And you believe that the tweets -- that these tweets are a
12 direct result of president Trump's statements, right?

13 MS. CROWLEY: Objection. Misstates testimony.

14 THE COURT: The witness can answer.

15 A. What do you mean by direct result?

16 Q. Is there a direct causal link between president Trump's
17 statements and the reason these tweets were sent -- the reason
18 these tweets were sent out?

19 A. So these links occurred underneath the news articles that
20 contain Mr. Trump's statements. They contain language that
21 references his statements. I don't believe they would have
22 been made but for language in his statements.

23 Q. So you think they are directly attributable to president
24 Trump's statements?

25 A. What do you mean by directly attributable?

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Humphreys - Cross

1 Q. That if he hadn't made the statements -- if he hadn't made
2 is June 21st and 22nd statements, these tweets never would have
3 been sent, right?

4 A. I do believe some of the language in these tweets would not
5 be there if not for his statements.

6 Q. So let's go through one of them. It's from @dizzenewz.
7 It states, "After all the women who have lied in court under
8 oath about being raped by someone in or affiliated with the
9 Trump administration, yeah Ima call this bitch a liar. Look,
10 anything you Democratic party touches is corrupt and full of
11 lie to hold power over you, their brainless sheep."

12 So what about this statement makes you believe that
13 this is due to president Trump's June 21st and June 22nd
14 statements as opposed to this user's personal opinion?

15 A. You can see there where it says there "replying to
16 @newyorktimes, so it occurred underneath an article that
17 contained one of the statements in this case. It also includes
18 language that references the statement such as liar, Democratic
19 party, et cetera.

20 Q. Right, but in this statement, this user is specifically
21 referencing his belief that other women have lied in court
22 under oath. Doesn't that lead you to believe that their --
23 that his opinion is based off of his own personal opinion?

24 MS. CROWLEY: Objection.

25 THE COURT: The objection is what, Ms. Crowley?

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Humphreys - Cross

1 MS. CROWLEY: He is asking her what she thinks this
2 person believes.

3 MR. MADAIIO: Pointing to the substance of the
4 statement.

5 THE COURT: I'm sorry?

6 MR. MADAIIO: I'm pointing to the substance of the
7 statement.

8 THE COURT: I know. This is now in evidence. You can
9 argue it to the jury, but we are not going to engage in this.
10 This is not appropriate cross.

11 MR. MADAIIO: Well, your Honor, I'd like to move on to
12 another one of the statements here.

13 THE COURT: Well, you are -- I don't think that's
14 going to happen.

15 MR. MADAIIO: Well, I'd like to ask a followup question
16 on the next tweet.

17 THE COURT: You want a followup on the next tweet? I
18 don't know what the next tweet is.

19 MR. MADAIIO: Well, I can show you on the figure 12.

20 THE COURT: All right.

21 BY MR. MADAIIO:

22 Q. Professor Humphreys, there's also a tweet here from
23 @brucewe77516428. That tweet simply states, "Attention whore."

24 Can you explain why you believe that this statement is
25 attributable to president Trump's June 21st and June 22nd

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Humphreys - Cross

1 statement?

2 A. As you see here, this is another tweet that occurred
3 directly underneath one of the articles that I analyzed that
4 contains a statement in this case.

5 Q. And the article that you're referencing was that an article
6 entirely about president Trump's June 21st and June 22nd
7 statement?

8 A. I would need to see the article to tell you.

9 Q. Did it discuss Ms. Carroll's accusation as well?

10 A. I would need to see the article to tell you.

11 Q. In your opinion, is it uncommon for Twitter users to
12 express negative and malicious opinions when discussing
13 polarizing topics such as politics?

14 THE COURT: Could you say the question again?

15 MR. MADAIIO: Your Honor, could we please have a read
16 back?

17 THE COURT: Yes.

18 (Read back)

19 A. I'd say it depends on what you mean by uncommon. You said
20 is it uncommon?

21 Q. Is it uncommon?

22 A. I think it depends on what you mean by uncommon. People do
23 make negative statements on Twitter. That happens, yes.

24 Q. And you would agree it happens frequently when discussing
25 the realm of politics on social media, right?

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Humphreys - Cross

1 THE COURT: It depends what you mean by frequently.
2 If you just got all of those adjectives and efforts out of your
3 questions, there would be a lot less difficulty.

4 Q. Professor Humphreys, you agree that on social media
5 Twitter, Facebook, there's a lot of polarizing discussion
6 around politics?

7 A. There is polarizing discussion on Twitter about politics,
8 yes.

9 Q. And in those polarizing discussions, there can
10 frequently -- there can be a lot of attacks on Twitter users if
11 they don't agree with someone's belief or opinion?

12 MS. CROWLEY: Objection to form.

13 THE COURT: Sustained as to form.

14 Q. Professor Humphreys, you agree that there is a lot of
15 malicious comments on Twitter and Facebook when people are
16 discussing politics?

17 MS. CROWLEY: Objection. Asked and answered.

18 THE COURT: Sustained.

19 Q. And you're aware Ms. Carroll made her allegations against
20 the sitting president of the United States, right?

21 THE COURT: We are now wasting time big time. Stop
22 it.

23 MR. MADAIIO: All right, your Honor.

24 THE COURT: We all agree Lincoln was the 16th. Let's
25 move on.

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Humphreys - Cross

1 BY MR. MADAIO:

2 Q. Professor Humphreys, when you performed your analysis in
3 your report did you see any positive or supportive messages
4 about Ms. Carroll?

5 A. Yes.

6 Q. And how did these supportive messages weigh in your
7 analysis of how Ms. Carroll's reputation was affected following
8 her allegation and president Trump's response?

9 A. So I first read through some of these. I saw some in my
10 impact analysis. I considered them in my impressions analysis
11 in the sense that some of those impressions were people who
12 felt positively about Ms. Carroll. However, I did not include
13 them in my damages analysis.

14 Q. So you only looked at how Ms. Carroll's reputation was
15 negatively impacted, correct?

16 MS. CROWLEY: Objection. Misstates testimony.

17 THE COURT: It's a characterization, but I'll let the
18 witness answer.

19 A. My assignment was to study reputational harm, so in that
20 sense I estimated the reputational harm.

21 Q. So you only looked at the negative impact, right?

22 A. That's not correct.

23 Q. So what's the difference between, in your opinion -- can
24 you explain the difference between reputational harm and
25 negative impact?

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Humphreys - Cross

1 A. Sure. So what I mean is that in the impressions analysis,
2 I counted everybody who saw this information. I did see in the
3 impact analysis that there were positive comments about
4 Ms. Carroll.

5 In my damages analysis, I did not count the roughly
6 75 percent of people who may have felt positively. I
7 counted -- I included only the 25 percent of those impressions
8 that were receptive to Mr. Trump's claims.

9 Q. So did you consider whether any of the positive impact on
10 Ms. Carroll's reputation could have offset any negative impact?

11 THE COURT: I'll see counsel at sidebar.

12 (Continued on next page)

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Humphreys - Cross

1 (At the sidebar)

2 THE COURT: You are both to file briefs by noon Sunday
3 on this question: If someone's reputation in part of a
4 community is injured, is the plaintiff or the injured party
5 entitled to recover damages for that injury even if the
6 reputation of the party in another part of the community is
7 benefited?

8 (Continued on next page)

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Humphreys - Cross

1 (In open court)

2 Q. So, Professor Humphreys, you didn't find it appropriate in
3 your expert opinion to factor in any positive impact in
4 Ms. Carroll's reputation. Is that correct?

5 MS. CROWLEY: Objection. Asked and answered several
6 times.

7 THE COURT: Sustained.

8 Q. You didn't consider whether high-profile celebrities such
9 as Bette Midler John Cusack, Jamie Lee Curtis Alyssa Milano and
10 others who praised Ms. Carroll increased her public profile.
11 Isn't that right?

12 A. No, I didn't study the remarks.

13 Q. Don't you think these comments of support would generate a
14 greater impression than the comments from anonymous users?

15 MS. CROWLEY: Objection, your Honor. Those comments
16 were all made after the verdict, as Ms. Carroll testified
17 today. They were not part of Professor Humphreys report.

18 THE COURT: Sustained.

19 Q. Did you consider at all whether -- or you didn't consider
20 whether Ms. Carroll has more career opportunities now than she
21 did before June 2019, did you?

22 A. I did not study her career opportunities, no.

23 Q. Did you look at how many Twitter followers she had prior to
24 June 2019 as compared to now?

25 A. I did not.

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Humphreys - Cross

1 Q. Did you do any analysis of how president Trump's name may
2 have made Ms. Carroll more famous?

3 A. What do you mean by more famous?

4 Q. Increased her public profile.

5 A. I do agree that it's likely more people know her name than
6 previously.

7 Q. Did you do any analysis of how Ms. Carroll's numerous TV
8 and podcast appearances may have helped her reputation?

9 MS. CROWLEY: Objection, your Honor. You sustained an
10 objection during the direct examination on these exact
11 questions.

12 THE COURT: Yes.

13 Look, she has told you exactly what she considered.
14 By definition, that means she didn't do anything else. And the
15 question is not how long you can take asking questions about
16 things that you know now were not part of her study. The
17 question is get on to something relevant. And we are all eager
18 to hear it if there is something.

19 Q. Professor Humphreys, did you consider whether Ms. Carroll
20 made more money prior to June 2019 than she does now?

21 MS. CROWLEY: Objection.

22 THE COURT: Sustained.

23 MR. MADAIIO: Your Honor, I don't think we've touched
24 on to that subject at all.

25 THE COURT: It doesn't matter.

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Humphreys - Cross

1 MR. MADAIIO: All right. I'll move on.

2 THE COURT: You are perfectly entitled to make that
3 argument unless there's a reason not to let you make it that I
4 don't know now when you get to sum up, but this is a
5 cross-examination limited to the scope of what she said on
6 direct and to what's relevant here.

7 MR. MADAIIO: I understand.

8 Q. Professor Humphreys, you stated it would require a
9 reputation repair program costing upwards of \$12 million to
10 repair Ms. Carroll's reputation, correct?

11 A. Yes.

12 Q. And on the low end in your report, you state that the
13 number could be 2.1 million on the low estimate. Is that
14 correct?

15 A. Yes, although I don't think that would lead to an effective
16 campaign in this case.

17 Q. That's quite a large gap, 10 million. You're not able to
18 narrow it any more than that?

19 THE COURT: She already just did. She said she
20 doesn't think 2 million would be adequate, and you said -- your
21 question was: "You stated it would require a reputation repair
22 program costing upwards of 12 million to repair Ms. Carroll's
23 reputation?" She answered.

24 MR. MADAIIO: Your Honor, I'm asking about her report.

25 THE COURT: I know about the report. I know what you

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Humphreys - Cross

1 asked. She said that she doesn't think 2.1 million would do
2 it.

3 MR. MADAIIO: I'd like to ask her if she's able to
4 narrow it down any more than \$10 million.

5 THE COURT: Well, the difference between 7 million and
6 12 million isn't 10 million. Please go on.

7 MR. MADAIIO: Your Honor, I'm talking about the figures
8 in her report.

9 THE COURT: That's what I'm talking about.

10 MR. MADAIIO: I'd like to ask her if she -- in terms of
11 narrowing down the \$10 million figure in her report.

12 THE COURT: Maybe we're talking about two different
13 10 million figures. What are you talking about?

14 MR. MADAIIO: I'll move on, your Honor.

15 THE COURT: You don't have to move on. Maybe I made a
16 mistake. If I've overlooked something, please tell me.

17 BY MR. MADAIIO:

18 Q. Professor Humphreys, in your report, you have your
19 reputational repair program on the low estimate is 2.1 million
20 and on the high estimate is 12.1 million. Is that correct?

21 A. That's correct, that's what's in my report.

22 Q. That's essentially a \$10 million gap from the low end to
23 the high end, right?

24 A. Yes.

25 Q. You're not able to narrow it down in your report anywhere

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Humphreys - Cross

1 from 2.1 million to 12.1 million any more narrow than that?

2 A. As I said in my direct testimony, I don't believe one time
3 would be sufficient. In my direct testimony, I was able to
4 narrow it down to between 7 and 12 million.

5 Q. But when you wrote your report, you thought 2.1 million
6 might be acceptable?

7 A. That's not correct.

8 Q. Is that -- your report states 2.1 million as the low end of
9 your estimate, correct?

10 A. Yes, I did provide that number as for reference.

11 Q. Professor Humphreys, have you ever executed a reputational
12 repair program?

13 A. I have not.

14 Q. Do you have any real-world experience about aside from
15 being a professor?

16 MS. CROWLEY: Objection.

17 THE COURT: Sustained.

18 Q. Your experience has been limited to being a professor or a
19 teacher. Isn't that correct?

20 MS. CROWLEY: Objection.

21 THE COURT: Sustained.

22 MR. MADAIIO: Your Honor, it goes towards her
23 qualifications.

24 THE COURT: Well, there was birth, adolescence,
25 education, jobs, that's all real-world experience.

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Humphreys - Cross

1 MR. MADAIO: Your Honor, I asked if she's had any
2 experience other than being a teacher or professor.

3 THE COURT: No, you said real-world experience quite a
4 few times.

5 MR. MADAIO: I believe that was the prior question,
6 your Honor.

7 THE COURT: Ask a new question.

8 BY MR. MADAIO:

9 Q. Dr. Humphreys, have you ever applied the methodologies
10 utilized in your report in the real world?

11 A. No. I teach students how to apply these methodologies.

12 Q. And you're familiar with a reputational repair firm,
13 correct?

14 A. With a firm? Yes, I am.

15 Q. And did you perform any sort of estimate or obtain any sort
16 of quote from a reputation repair firm to see what sort of cost
17 it would take to repair Ms. Carroll's reputation in this case?

18 A. No, a campaign had not been initiated yet, so no, I
19 haven't.

20 Q. And that's what reputation repair firms do, right, they
21 repair reputations for individuals?

22 A. That's correct.

23 Q. And in your experience, is \$12 million a reasonable amount
24 that you would have to pay a reputation repair firm to repair
25 someone's reputation?

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Humphreys - Cross

1 A. I would say for most -- of many campaigns, that's on the
2 low end.

3 Q. In your experience, it cost 12 million -- you would have to
4 pay a firm \$12 million to perform a campaign such as this?

5 A. I know of other campaigns that have costed \$50 million.
6 I've testified in a previous case about a campaign that would
7 cost \$48 million.

8 Q. Did that campaign involve Joe Rogan and Candace Owens?

9 A. It might have.

10 Q. Can you point to any specifics?

11 MS. CROWLEY: Objection.

12 THE COURT: I'll allow it.

13 A. Specifics about what?

14 Q. Any prior campaigns you're familiar with that cost upwards
15 of more than \$10 million?

16 A. Yes, of course. There's a hedge fund manager recently who
17 said that he had spent \$50 million on a campaign against a
18 company called Nutra-Life, for example.

19 Q. And what was the issue there?

20 A. I believe -- I'm only generally familiar with it, but I did
21 read an article that said it cost \$50 million. He, I believe
22 in that case, was trying to send negative messages against
23 Nutra-Life.

24 Q. This wasn't part of your research; this was an article you
25 read in leisure?

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Humphreys - Cross

1 A. This was an article that came across my newsfeed.

2 Q. Did you perform any analysis of what Ms. Carroll's
3 reputation was before June 2019?

4 A. Yes.

5 Q. And you stated she was a celebrated journalist **at** *Elle*
6 magazine, right?

7 A. Yes.

8 Q. Among other things?

9 A. Among other things.

10 Q. And you represented that Ms. Carroll reached about
11 4.5 million readers during her time at *Elle*, right?

12 A. Yes, that's the number that *Elle* gives for its circulation.

13 Q. Okay. And that number, the 4.5 million, that's from your
14 report, right, or you cite that in your report, correct?

15 A. I do, yeah.

16 Q. And in your report, you also state that you weren't able --
17 you were unable to find readership data prior to 2020. Isn't
18 that correct? I can refresh your recollection.

19 A. If you tell me what page. I don't argue with you. What
20 page is it?

21 Q. It's footnote 136.

22 THE COURT: What document, please?

23 MR. MADAIIO: It's the October 14, 2022 report.

24 THE COURT: Plaintiff's 202. What's the footnote?

25 MR. MADAIIO: Footnote 136, which is page 41.

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Humphreys - Cross

1 THE COURT: Is there a question?

2 MR. MADAIO: Yes.

3 BY MR. MADAIO:

4 Q. Professor Humphreys, you're aware that Ms. Carroll was no
5 longer working for *Elle* as of December or as of 2018, correct?

6 A. I'm not sure of the exact date, but I am aware that she
7 stopped working for *Elle* at some point.

8 Q. Okay. So ultimately you weren't able to find any
9 readership data for the time that she actually worked at *Elle*,
10 right?

11 A. So I'm a professor in journalism school. I am aware that
12 readership has declined over time, so I would estimate that in
13 2018, if anything, *Elle* had more readers than 4.5 million.

14 Q. But you didn't find any data specific to Ms. Carroll in the
15 readership that she had?

16 A. I pulled the number that I had available to me. That was
17 the closest to the time period at hand.

18 Q. I don't think that was responsive to my question.

19 A. I'm sorry, what was the question?

20 Q. You never reviewed any data that is specific to Ms. Carroll
21 and her readership, right?

22 MS. CROWLEY: Objection to form.

23 THE COURT: Overruled.

24 A. So given that Ms. Carroll wrote for the magazine *Elle*, the
25 way that you would estimate her readership in my field is to

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Humphreys - Cross

1 use the readership of the magazine.

2 Q. But you have no way of knowing what Ms. Carroll's actual
3 readership was?

4 A. To my knowledge, there's no finer grain data available to
5 me.

6 Q. And in your reputation repair program, you talk about
7 social media influencers sending positive messages as a way of
8 repairing Ms. Carroll's reputation. Do you really think that
9 positive message from social media influencers will have a
10 positive impact on her reputation?

11 A. As part of a larger reputational repair campaign, I do.

12 Q. And you stated earlier that you would have influencers say
13 positive things about Ms. Carroll's books and messages like
14 that to help her reputation, right?

15 A. That's one example. I'm sure there could be many different
16 messages you could send.

17 Q. You think that will help repair her reputation to the
18 extent that people believe she's a liar?

19 A. Yes, I do.

20 Q. Positive messages about her book?

21 A. Yes. These types of positive messages have been shown to
22 affect the attitudes of an audience over time, yes.

23 Q. So you believe that -- that positive message relating to
24 her book would make them believe she's not a liar -- withdrawn.

25 Do you think Ms. Carroll's numerous media appearances

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Humphreys - Cross

1 have helped her reputation?

2 MS. CROWLEY: Objection.

3 THE COURT: What's the ground?

4 MS. CROWLEY: Outside the scope of her report.

5 (Reporter inquires)

6 MS. HABBA: Hi. Ms. Habba. I don't have realtime.

7 The realtime stopped. Anyway, I couldn't hear what Ms. Crowley
8 said.

9 THE COURT: Ms. Crowley, would you speak a little more
10 loudly so Ms. Habba can hear you.

11 MS. CROWLEY: I apologize. I said objection. Outside
12 the scope of her report.

13 MS. HABBA: It just downloaded. Thank you.

14 THE COURT: Overruled.

15 A. Would you mind reading back or repeating?

16 MR. MADAIIO: Your Honor, could we have a readback?

17 THE COURT: Please read it back.

18 (Read back)

19 A. It depends amongst who the target audience is for those
20 messages.

21 Q. And earlier when you were testifying about the reputation
22 repair program, you testified it would need to be someone like
23 Joe Rogan or Candace Owens to repair Ms. Carroll's reputation,
24 correct?

25 A. Those are two examples of sources that you might use, yes.

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Humphreys - Cross

1 Q. And, in fact, you said that you would need to effectively
2 promote her reputation up to -- they would have to relay these
3 messages up to five times, right?

4 A. Yes, that's one potential campaign.

5 Q. And your plan is to target Trump supporters to project
6 these messages to, correct?

7 A. Not exactly. The plan would be to target these receptive
8 Republicans, people who were receptive to Mr. Trump's claims,
9 so, yes.

10 Q. Are you suggesting that Ms. Carroll would actually hire or
11 would be able to actually hire Joe Rogan or Candace Owens to
12 perform this reputation repair program?

13 A. You might have to ask them. I did not ask them in my work.

14 Q. Would you consider whether it's a possibility?

15 A. Yes, I know it's a possibility to hire these two
16 individuals to share messages for payment.

17 Q. Do you know any other celebrities who would do these type
18 of repair reputation programs that they're paid to do?

19 A. I'm sorry, could you say it again?

20 Q. Do you know any other celebrities who are paid to do these
21 type of reputation repair programs?

22 A. So you mean influencers? Are there other influencers?

23 Q. Influencers, celebrities, anybody with a large public
24 profile.

25 A. Yes. So influencers exist in many different categories.

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Humphreys - Cross

1 There are influencers in the political space in both the left
2 and the right.

3 Q. Did you ever contact Joe Rogan and Candace Owens to see if
4 it would be possible for them to perform this reputational
5 repair program?

6 THE COURT: She already testified that she didn't.

7 Q. Professor Humphreys, can you honestly say that your damages
8 model is an accurate designation of the real-world harm that
9 was caused by president Trump's response to Ms. Carroll's
10 accusation?

11 MS. CROWLEY: Objection to form.

12 THE COURT: Sustained as to form.

13 Q. Does your damages model account for real-world harm to
14 Ms. Carroll's reputation?

15 MS. CROWLEY: Objection to form.

16 THE COURT: Sustained.

17 Q. Didn't your damages model contain millions of dollars'
18 worth of supposed damages which you now admit were not actually
19 attributable to harm to Ms. Carroll's reputation?

20 A. So in this case I did do an initial analysis, and I did a
21 supplementary analysis in which I removed consideration of one
22 statement in this case.

23 Q. When you removed those statements -- withdrawn.

24 Of the media sources that you removed which were
25 connected to the June 24 statement in your supplemental report,

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Humphreys - Cross

1 some of those statements that you removed didn't actually cause
2 harm to Ms. Carroll's reputation, correct?

3 MS. CROWLEY: Objection.

4 THE COURT: Sustained.

5 Q. Professor Humphreys, you had a team that helped you compile
6 and organize the data contained in your expert report, right?

7 A. That's correct.

8 Q. And that's Voluble Insights?

9 A. Yes.

10 Q. And Voluble Insights helped you prepare your initial
11 report, right?

12 A. Yes.

13 Q. And what was their role for the initial report?

14 A. So the team was helpful in helping me collect the data and
15 putting it in a spreadsheet, in some cases cleaning it, and do
16 other things at my direction.

17 Q. And they also helped you prepare your supplemental report,
18 right?

19 A. That's correct.

20 Q. And was it essentially the same role?

21 A. Yes.

22 Q. And you reviewed their work?

23 A. Yes.

24 Q. And you are confident that the numbers in both of your
25 reports are accurate?

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Humphreys - Cross

1 A. Yes. I mean I, of course, reserve the right to reconsider,
2 but yes.

3 Q. And you're confident that the millions of dollars you claim
4 Ms. Carroll is entitled to is supported by those numbers,
5 right?

6 A. Yes.

7 Q. And, Dr. Humphreys, your impressions model includes
8 television programs, right, as one of the categories?

9 A. Yes.

10 Q. And for each television program, you include a ratings
11 estimate, right?

12 A. That's correct.

13 Q. And the ratings estimate is an estimate for the number of
14 people who viewed a particular broadcast, right?

15 A. That's correct, the number is provided by Nielsen in most
16 cases.

17 Q. And the ratings estimate is the same as the total number of
18 impressions that you assign to each television program, right?

19 A. Yes.

20 Q. So, in other words, in your damages model, the ratings
21 estimate for television program should always match up with the
22 total number of impressions for that program, right? It's a
23 one-to-one ratio?

24 A. Yes.

25 Q. Okay. So I'd like to look at an example. Nate, can you

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Humphreys - Cross

1 pull up page 108 of the October 14, 2022 report.

2 MR. MADAIIO: And I'd like to enter this as a
3 demonstrative.

4 MS. CROWLEY: Objection your, Honor. This is the
5 original report. She is here to testify about the damages
6 numbers from the supplemental report.

7 MR. MADAIIO: Every single -- every single item that I
8 am going to go through is included in the supplemental report.

9 THE COURT: Then why don't we deal with the
10 supplemental report?

11 MR. MADAIIO: I need to reference both for the purposes
12 of this line of questioning.

13 THE COURT: How is this a demonstrative?

14 MR. MADAIIO: I can just go through the questions, your
15 Honor. I don't have to show the exhibit.

16 THE COURT: You don't what?

17 MR. MADAIIO: I don't need to show it to the jury. I
18 can just go through the questions.

19 THE COURT: Go ahead.

20 BY MR. MADAIIO:

21 Q. Professor Humphreys, let's look at T27 in your impressions
22 model. So this broadcast has a ratings estimate of 833,000
23 according to your report, right? And that's *CNN Tonight* with
24 Don Lemon?

25 A. Yes.

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Humphreys - Cross

1 Q. If we look at your supplemental report -- which, Nate, can
2 you pull up the supplemental report, page 30?

3 THE COURT: What is the exhibit number?

4 MR. MADAIO: That is DX-96.

5 Q. We are looking at page 30 of your supplemental report, you
6 have identified T27. And that has the same amount of
7 impressions 833,000, right?

8 A. Yes. If it would be possible if there are more questions,
9 could I have a copy, a paper copy of the supplement?

10 MR. MADAIO: Yes.

11 MS. CROWLEY: Your Honor, I understand Mr. Madaio
12 intends to ask Professor Humphreys about a TV appearance that
13 was removed from the supplemental report. I think he agrees
14 with me it's removed, so I'm not sure what the relevance is
15 here.

16 MR. MADAIO: Your Honor, I think this is the only one
17 that actually was removed. I can move on to the next ones.
18 I'm going to hand Professor Humphreys her report so she can
19 reference it.

20 THE COURT: You are giving her now Defendant's 96 for
21 identification?

22 MR. MADAIO: Yes, DX-96, it's the supplemental report.

23 THE COURT: Okay.

24 Q. Professor Humphreys, I want to do a different example.
25 Let's go back to your initial report, page 105.

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Humphreys - Cross

1 THE COURT: We are now back on Plaintiff's 202.

2 MR. MADAIIO: That's right, Plaintiff's 202.

3 Q. Do you see what's been identified as T1 in your report?

4 A. Yes.

5 Q. That's *Anderson Cooper 360*, which was aired June 21, 2019,
6 right?

7 A. Yes.

8 Q. You had the ratings estimate as 877,000 views, right?

9 A. That's correct.

10 Q. In your supplemental report, the impressions for T1 should
11 be 877,000, right?

12 A. For total impressions, I would assume it would be. We can
13 look.

14 Q. Let's look at your supplemental report at page 29, DX-96.
15 Can you tell me what the total impressions estimate is for T1?

16 A. So in this chart, it is -- total impressions would be 9.3
17 and receptive is 2.4.

18 Q. So the total impressions is almost 9.4 million?

19 A. That's correct.

20 Q. But in your impressions model, it's 877,000?

21 MS. CROWLEY: Objection. There's a difference between
22 ratings and impressions.

23 MR. MADAIIO: She testified that there is not.

24 THE COURT: I don't think that's what she said, but
25 you can ask her.

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Humphreys - Cross

1 Q. Professor Humphreys, is there a difference between ratings
2 estimate and total impressions for television?

3 A. In this case we did use the ratings to measure viewers, to
4 measure impressions.

5 Q. So ratings estimate should always equal total impressions,
6 right?

7 A. That's correct. However, as I understand, there were some
8 labeling issues. This might be attributable to that.

9 Q. Okay. But to be clear, in your initial -- in your
10 impressions model, your ratings estimate for this program is
11 877,000, and in your damages model, the total impressions is
12 almost 9.4 million?

13 THE COURT: If they're the same thing.

14 MR. MADAIIO: I'm asking her if they are.

15 A. So I believe -- and this is regarding the labeling issue --
16 Those are the ratings for another program. It's probably T46,
17 *ABC World News Tonight* with David Muir. It's the same number.

18 Q. It's labeled the T1?

19 A. In the supplemental report, it's labeled as T46.

20 Q. I'm talking about T1 on the supplemental report.

21 A. Yes, I see that.

22 Q. So the 9.4 million number that I'm talking about is for T1
23 on the supplemental report, not T46, right?

24 A. I see. Yes, that's correct, but I believe the labels do
25 not correspond exactly.

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Humphreys - Cross

1 Q. Why is that?

2 A. I think we've discussed this previously. There were two
3 cases where just the labels are different. The overall numbers
4 are not affected at all.

5 Q. So when you identified these programs in your initial
6 report and then you carried them over to the supplemental
7 report, is there any reason you would have changed the
8 identifier?

9 A. I'm not sure why the identifier would be changed, but the
10 overall numbers are the same. It didn't affect our total
11 numbers.

12 Q. Are you able to identify -- well, you stated that the T1
13 here you believe is T46. What makes you believe that this is
14 T46?

15 A. It's T46 in the original report. It's the same ratings
16 estimate, 4,390,000.

17 Q. So is that a mistake when you carried it over from the
18 original report to the supplemental report?

19 A. That's correct, I believe this to be a labeling mistake.

20 Q. I'd like to -- can we go back to the initial report, page
21 105. What's been identified as T3, that's *Cuomo Prime Time*,
22 which aired June 21, 2019. The ratings estimate for this one
23 is 936,000, correct?

24 A. Yes.

25 Q. In your supplemental report in the damages model, the

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Humphreys - Cross

1 impression should be 936,000 right?

2 A. Correct.

3 Q. Okay. Let's pull up the supplemental report, page 29.

4 That's DX-96. And T3. Can you tell me what the impressions
5 are for T3?

6 A. That would be 1.5 million and 241 receptive impressions.

7 Q. So that 1.5 million is more than the 936,000 in your
8 initial report, correct?

9 MS. CROWLEY: Your Honor, Professor Humphreys has
10 testified that the actual number --

11 MS. HABBA: Is that an objection? Sorry, your Honor.
12 She is just speaking for the witness.

13 THE COURT: Counsel?

14 MS. CROWLEY: Your Honor, objection.

15 Professor Humphreys has testified that there was a
16 difference in the labels that were given to each of the sources
17 from the original report to the supplemental report. However,
18 the numbers, the rating numbers are the same.

19 MS. HABBA: That's not an objection. Your Honor that
20 was not an objection. That was her trying to correct her
21 witness.

22 THE COURT: Ms. Habba, sit down, please. Mr. Madaio
23 will defend himself.

24 MR. MADAIIO: Your Honor, she hasn't given a valid
25 objection. She is trying to testify for her witness.

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Humphreys - Cross

1 THE COURT: Mr. Madaio, listen to the testimony and
2 let's move on.

3 MR. MADAIIO: Your Honor, I'd like to walk through
4 several of these examples. I believe it's very relevant.

5 THE COURT: Well, I understand, so keep on walking.

6 BY MR. MADAIIO:

7 Q. I'd like to point you back to the initial report, page 106.
8 I believe that's PX-202. And if you could look at T9, which is
9 *CNN Newsroom Live*, which aired June 22, 2019, and the ratings
10 estimate is 628,000, correct?

11 A. That's correct.

12 Q. So in your supplemental report in the damages model, the
13 impression should be 628,000, right?

14 A. Yes. So I would just point you, again, this is a labeling
15 error. If you look at T18, that's the same program.

16 Q. How do you know that it's T18?

17 A. It just is the same. It's the same number. There's just a
18 labeling error.

19 Q. So there -- let me ask you, what is the -- what are the
20 impressions for T9 in the supplemental report?

21 A. For T9, the impressions is 839,000.

22 Q. And, again, that's more than the 628,000 for the ratings
23 estimate in your initial report, right?

24 A. Yes. And, again, the label that I pointed you to is the
25 correct number.

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Humphreys - Cross

1 MR. MADAIIO: I move to strike as non-responsive.

2 THE COURT: Overruled.

3 Is the bottom line here, Professor, that the TV shows
4 listed in the impressions model in your original report,
5 Plaintiff's Exhibit 202, numbered from T1 to whatever the
6 highest number was, when you eliminated certain items in
7 preparing the supplemental report, the T numbers used in the
8 appendix to the supplemental report are not the same T numbers
9 that were used in the original report in some or all cases. Is
10 that right?

11 THE WITNESS: That's correct, the labeling is
12 different.

13 THE COURT: And why is that so, if you can tell the
14 jury?

15 THE WITNESS: So I don't know why the labels are
16 different. I can tell you what I'm doing, which is I'm looking
17 at the same ratings number, and I'm finding it in the
18 supplemental analysis in every case. So it doesn't affect the
19 overall numbers. The labels may be different, but it's not a
20 material difference.

21 BY MR. MADAIIO:

22 Q. Professor Humphreys, did you review the supplemental report
23 before you submitted it?

24 A. Yes.

25 Q. Did you notice any discrepancies with the initial report?

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Humphreys - Cross

1 A. I obviously didn't check the labels because they're not
2 accurate.

3 Q. Okay. Well, I'd like to keep going through these examples.
4 Let's pull up the page 107 of the October 12 report T16.
5 That's *CNN Newsroom* with Fredricka Whitfield, which aired
6 June 22, 2019. And your ratings estimate for that is NA,
7 correct? Which I believe you count as zero?

8 A. That's correct.

9 Q. Okay. So the impressions in your supplemental report
10 should be zero, right?

11 MS. CROWLEY: Objection. Cumulative.

12 THE COURT: Overruled.

13 A. Given the labeling error, I don't expect a correspondence
14 here.

15 Q. So you don't expect that your supplemental report and your
16 initial report are consistent, the numbers are consistent?

17 A. The labels are not consistent.

18 Q. So you don't expect that the ratings estimate matches up
19 with the impressions?

20 MS. CROWLEY: Objection. Asked and answered.

21 THE COURT: Sustained.

22 Q. Can you tell me -- I'd like to turn to the supplemental
23 report, page 30. Can you tell me what the impressions estimate
24 is for T16?

25 A. T16 in this report is 2.7 million.

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Humphreys - Cross

1 Q. Okay. And that's not the same as the zero in the initial
2 report, right?

3 A. That's correct, it's a different label.

4 Q. Okay. And then I'd like to go to page 110 of the
5 supplemental report, and if you look at T35?

6 A. T35. Sorry, in the original or the supplemental?

7 Q. T35 in the original report is 110.

8 MS. CROWLEY: Objection. T35 was removed from the
9 supplemental report.

10 THE COURT: I haven't heard a question yet.

11 Q. The ratings estimate for T35 is NA, which is equivalent to
12 zero, right?

13 A. That's correct.

14 Q. So, again, you would expect the ratings -- the impressions
15 in the supplemental report to be zero, right?

16 MS. CROWLEY: Objection. T35 is not in the
17 supplemental report.

18 MR. MADAIO: That's incorrect, your Honor.

19 THE COURT: Show me how it is.

20 BY MR. MADAIO:

21 Q. Can we go to the supplemental report, page 30, T35. If you
22 notice next to removed, Professor Humphreys, there's no X next
23 to removed, right, which means it was not removed from the
24 report.

25 THE COURT: Assuming it's the same thing.

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Humphreys - Cross

1 Q. Well, is it the same thing, Professor Humphreys?

2 A. It's not. The labels don't correspond, so you wouldn't
3 expect a correspondence here between the two reports, but you
4 will find -- what I'm doing is just looking up the rating 3.92,
5 and you will find it in this list of programs. It corresponds.

6 Q. Just to be clear, this is an error, the fact that it
7 doesn't correspond?

8 A. Yes, it is.

9 MS. CROWLEY: Objection. Asked and answered.

10 THE COURT: Yes, it has been. It's a labeling error.
11 She said it over and over and over again.

12 Q. Professor Humphreys, what else didn't you check in your
13 reports?

14 A. I checked through everything.

15 Q. And you didn't notice that the vast majority of your
16 numbers are mislabeled and don't carry over, what you described
17 as an error?

18 A. I wouldn't characterize that as the vast majority.

19 Q. I can keep going if you'd like.

20 MS. CROWLEY: Objection.

21 THE COURT: You want to take everybody's time with
22 this, go right ahead.

23 Q. I'd like to show you page 110 of the initial report, T37,
24 and that's *First Look* which aired June 24, correct?

25 A. Give me one moment. This is in the original report?

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Humphreys - Cross

1 Q. This is the original report, page 110?

2 A. And the program is the *Last Word*?

3 Q. The program is *First Look*.

4 A. Oh, *First Look*.

5 Q. T37?

6 A. Gotcha, yep.

7 Q. The ratings estimate is 385,000, right?

8 A. That's correct.

9 Q. And then can we turn to page 30 of the supplemental report.

10 And T37, can you tell me what the impressions estimate is?

11 A. It is 1.4. I believe you'll find that one is T33.

12 Q. And that's 1.4 million, right, for the impressions
13 estimate?

14 A. That's right, you'll see the correct one as T33.

15 MR. MADAIIO: Let me strike that as non-responsive,
16 please.

17 THE COURT: Overruled.

18 Q. And, again, so the 1.4 million impressions is not the same
19 as the 385,000 ratings estimate, right?

20 A. That's correct. The correct number occurs at T33.

21 Q. I'd like to go to page 110.

22 THE COURT: Let me see if we can't short-circuit this
23 a little. Do you have a Plaintiff's 202 up there?

24 THE WITNESS: The original report?

25 THE COURT: Yes.

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Humphreys - Cross

1 THE WITNESS: Yes.

2 THE COURT: Turn to page 106 -- sorry -- 105, which is
3 headed Appendix F, TV Impressions Model. That lists every
4 single television show that was included in your original
5 report analysis from T1 to T47, yes?

6 THE WITNESS: Yes.

7 THE COURT: And in the ratings estimate column next to
8 each listing is a footnote, correct?

9 THE WITNESS: That's correct.

10 THE COURT: And the footnote gives the source with a
11 viewers resource locator, in other words, a URL on the
12 internet, yes?

13 THE WITNESS: Yes, that's correct.

14 THE COURT: And if you click on those URLs, you can
15 actually watch the TV show that is included on each line here,
16 yes?

17 MR. MADAIIO: Your Honor -- I would like to continue my
18 line of questioning.

19 THE COURT: I'm sure you would. You will have the
20 opportunity.

21 Is that correct?

22 THE WITNESS: I believe so, yes.

23 THE COURT: Right. And so there is available to
24 anybody who cares to check Appendix F in your original report
25 the ability to see definitively which TV show is on which line.

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Humphreys - Cross

1 Isn't that true?

2 THE WITNESS: That's correct. All the television
3 shows I provided URLs for all of them in my report.

4 THE COURT: Now, in your supplemental report, there is
5 no comparable Appendix F. There are no footnotes as to what's
6 on each line, right.

7 THE WITNESS: That's correct.

8 THE COURT: Any particular reason for that?

9 THE WITNESS: No, there's not.

10 THE COURT: Go ahead.

11 BY MR. MADAIO:

12 Q. Professor Humphreys, did you click through every single
13 link when you were preparing your supplemental report?

14 A. I personally did not. I had someone check that.

15 Q. And did you review their work?

16 A. Yes, I did my best to review their work.

17 Q. And you're confident that they did their work competently?

18 A. Yes, I trust them to do their work.

19 Q. Despite the numerous errors that we've discussed here?

20 A. There is a labeling error.

21 Q. Professor Humphreys, you have a Twitter account, don't you?

22 A. I do.

23 Q. Do you mind sharing your Twitter handle?

24 A. Sure. It's Profhumphreys.

25 Q. And that Twitter account was public until recently, right?

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Humphreys - Cross

1 A. Yes.

2 Q. As a matter of fact, just a few weeks ago, right?

3 A. That's correct.

4 Q. And that account is now private, isn't it?

5 A. That's correct.

6 Q. Why did you make it private?

7 A. I had a few high-profile trials upcoming. I thought it
8 best, given what I've seen on social media, to make it private.

9 Q. So you were worried about increased attention you might
10 receive from testifying in a high-profile case. Is that
11 correct?

12 A. Yes, I thought it best to make it private.

13 Q. Because you knew the natural consequence of that would be
14 some negative backlash from the internet, right?

15 A. I mean, in general I just thought it was best to not
16 receive input from others on my Twitter.

17 Q. And by making it private, those people who want to say
18 nasty things to you can't do that, right?

19 MS. CROWLEY: Objection, your Honor.

20 THE COURT: Sustained.

21 Q. And all Twitter users have the ability to make their
22 accounts private, right?

23 MS. CROWLEY: Objection, your Honor.

24 THE COURT: Sustained.

25 Q. Including E. Jean Carroll?

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Humphreys - Redirect

1 THE COURT: And far beyond the scope of direct.

2 MR. MADAIIO: That's all I have, your Honor.

3 THE COURT: Any redirect?

4 MS. CROWLEY: I'll be brief, your Honor.

5 REDIRECT EXAMINATION

6 BY MS. CROWLEY:

7 Q. Professor Humphreys, you were just asked for quite some
8 time about two charts: One from your original report and one
9 from your supplemental report. Do you recall those questions?

10 A. Yes.

11 Q. And you were asked to compare several times TV programs
12 that were listed in your original report and then again listed
13 in your supplemental report, correct?

14 A. Correct.

15 MS. HABBA: Objection, your Honor. Didn't you go
16 through this?

17 THE COURT: Ms. Habba, it's Mr. Madaio's witness.

18 MS. HABBA: Okay. You have the mic, go ahead.

19 MR. MADAIIO: Your Honor, I do think this issue was
20 already discussed at length with the witness.

21 THE COURT: What makes you think, or do you have any
22 legal authority to suggest, that on redirect the attorney can't
23 go into a subject that was the subject of the
24 cross-examination? Do you have any authority for that?

25 MR. MADAIIO: The objection is overruled, I'll sit

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Humphreys - Redirect

1 down.

2 THE COURT: Well, I guess since there's no authority
3 for it, it's overruled.

4 Q. I believe you testified that when you were asked to prepare
5 the supplemental report, you removed certain TV broadcasts and
6 news articles and other pieces that referenced Donald Trump's
7 June 24th statement, correct?

8 A. That's correct, I removed one set exclusively referred to
9 his statement.

10 Q. As a result of removing those articles and TV broadcasts,
11 did the numbers in the charts we just discussed change the
12 numbers -- the labels of those sources change?

13 A. Yes, the labels are different from the original report and
14 the supplemental report.

15 (Continued on next page)

01IsCAR6

Humphreys - Redirect

1 BY MS. CROWLEY:

2 Q. You were asked about ratings and impressions numbers tied
3 to each of the TV broadcasts that you considered in the
4 original and supplemental report, correct?

5 A. That's correct.

6 Q. For the TV broadcasts that you considered in both the
7 original and supplemental report, did those ratings and
8 impressions numbers change, or did they stay the same?

9 A. They stayed the same.

10 Q. Was there any error in your supplemental report with
11 respect to the ratings numbers and the impressions numbers for
12 those broadcasts?

13 A. No.

14 Q. The only error was to how they were labeled, correct?

15 A. That's correct.

16 Q. Now, you were also asked certain questions about figures
17 that I believe you called word clouds?

18 A. Yes, that's right.

19 Q. And if we could just put those up on the screen, I believe
20 it's Plaintiff's Exhibit 202, figure eight.

21 You testified that these word clouds were from before
22 June 2019 and after June 2019, correct?

23 A. That's right.

24 Q. And if we can look at the bottom figure.

25 When did you run this word cloud?

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1 A. I believe it was after Ms. Carroll had filed her lawsuit.

2 Q. After the lawsuit had been going on for a while?

3 A. That's correct.

4 Q. After there had been many events in the lawsuit?

5 A. That's correct.

6 Q. Including then president Trump's attempt to get the Justice
7 Department to intervene in this lawsuit?

8 A. Yes.

9 Q. Is that why you see many words both big bolded words that
10 say things like department and justice and court?

11 A. Very likely.

12 So these are from news articles, and because of the
13 routines of news reporters, they tend to cover in the news
14 official proceedings, and so that is what you will see here.

15 Q. Now, I believe that you said in response to Mr. Madaio's
16 questions that these word associations were just one source
17 that you reviewed when you were conducting your impact
18 analysis, correct?

19 A. That's right.

20 Q. What were the other sources that you considered?

21 A. I considered comments that appeared directly underneath the
22 news articles that I studied, I considered the tweets that were
23 connected to the news articles, I considered other social media
24 content from Twitter and from Facebook.

25 Q. Now, Dr. Humphreys, you were asked a couple questions on

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Humphreys - Redirect

1 cross about whether you have ever yourself executed a
2 reputation repair campaign.

3 Do you recall that?

4 A. Yes.

5 Q. And I believe you said that you haven't yourself, but
6 you've taught some?

7 A. Correct.

8 Q. In teaching and studying reputation repair campaigns, are
9 you familiar with campaigns that have actually been run?

10 A. Yes.

11 Q. Are those campaigns that you teach your students about?

12 A. Yes.

13 Q. And are those students, do those students then go on to
14 actually execute reputation repair campaigns?

15 A. Yes. I have quite of a few students that now work in
16 public relations and do these kind of campaigns routinely.

17 Q. Can you tell us some of the reputation repair campaigns
18 you're familiar with that have actually been executed?

19 A. Sure. I mean, there are some well-known ones. Martha
20 Stewart, for example, hired a firm to repair her reputation
21 after the insider trading scandal, and that is regarded as
22 successful. There is a number of others. Hugh Grant, I
23 remember.

24 There are more recent examples of using influencers in
25 these types of strategies. Justin Beiber, for instance,

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Humphreys - Redirect

1 constructed one of these in 2015. I believe Taylor Swift has
2 done this as well.

3 Q. Professor Humphreys, you were asked a number of questions
4 by Mr. Madaio about whether you looked at the harm that may
5 have been caused to Ms. Carroll's reputation by her own
6 allegation.

7 Do you recall that question?

8 A. Yeah.

9 Q. In your opinion, did the harm to Ms. Carroll's reputation,
10 was that a result of Ms. Carroll making an allegation against
11 Donald Trump?

12 A. No.

13 Q. What do you think caused the harm to Ms. Carroll's
14 reputation?

15 A. From what I've seen, it was the claim that she was a liar,
16 that she had a political agenda, that she was working with the
17 democratic parties. These were the associations that harmed
18 her reputation.

19 Q. And who made that claim?

20 A. Mr. Trump, the defendant.

21 MS. CROWLEY: One moment, your Honor.

22 (Counsel confer)

23 Nothing further.

24 THE COURT: Thank you.

25 Mr. Madaio, anything else?

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Humphreys - Recross

1 MR. MADAIO: Just a few more questions, your Honor.

2 RE CROSS EXAMINATION

3 BY MR. MADAIO:

4 Q. Professor Humphreys, you didn't know about this, as you
5 call it, labeling error before today, right?

6 A. Um, I believe we were -- I was contacted about a similar
7 error a couple days ago.

8 Q. Who were you contacted by?

9 A. Um, I believe I was asked via e-mail about the issue.

10 Q. Was that by Ms. Carroll's counsel?

11 A. Yes.

12 Q. And if you didn't know about this error until, you know, a
13 couple days ago, at most, how can you be confident there is no
14 errors in the report?

15 A. I checked the reports thoroughly. What I've seen here is
16 that there was simply a difference in the label and not the
17 actual numbers.

18 Q. Again, you never saw this error, despite all the time and
19 money you were paid to prepare this report, and you submitted
20 the report and you never noticed it before then?

21 MS. CROWLEY: Objection to form and asked and
22 answered.

23 THE COURT: Sustained.

24 Q. You just testified about a reputational repair campaign
25 involving Martha Stewart.

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Humphreys - Recross

1 How much did Martha Stewart spend on her campaign?

2 A. You know, I don't know that. I don't know right now.

3 Q. How much did Justin Beiber spend on his campaign?

4 A. I don't know that number.

5 Q. What about Taylor Swift?

6 A. Typically celebrities don't share those kinds of --

7 Q. That's not the question, Professor Humphreys.

8 A. That information is not available to me.

9 Q. And do you know whether those campaigns were successful?

10 A. Those were all widely regarded as successful campaigns,
11 yes.

12 Q. But, again, you don't know how much they cost?

13 THE COURT: Sustained.

14 MR. MADAIO: That's all I have, your Honor.

15 THE COURT: Anything else, Ms. Crowley?

16 MS. CROWLEY: No, your Honor.

17 THE COURT: All right.

18 Ladies and gentlemen, enjoy the weekend. See you 9:30
19 Monday morning, and have a good one. Stay warm.

20 (Adjourned to January 22, 2024, at 9:30 a.m.)

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I hereby certify that the foregoing is a true and accurate transcript, to the best of my skill and ability, from my stenographic notes.



Official Court Reporter
U.S. District Court